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भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 27] नई दिल्ली, शनिवार, जुलाई 4, 1981/ आषाढ़ 13, 1903
No. 27] NEW DELHI, SATURDAY, JULY 4, 1981/ASADHA 13, 1903

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notification issued by the Ministries of the Government of India
(other than the Ministries of Defence)

वित्त मंत्रालय
(राजस्व विभाग)

नई दिल्ली, 28 अप्रैल, 1981

का०आ० 1852.—राष्ट्रपति, केन्द्रीय वित्त सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 9 के उपनियम 2, नियम 12 के उप नियम (2) के खण्ड (ख) और नियम 24 द्वारा प्रबल शक्तियों का प्रयोग करते हुए निदेश देने हैं कि भारत सरकार के वित्त मंत्रालय (राजस्व विभाग) की 31 जुलाई, 1965 की अधिसूचना द्वारा यथा संशोधित अधिसूचना सं० का०नि०आ० 612, तारीख 28 फरवरी, 1957 की अनुसूची का निम्नलिखित और संशोधन किया जाएगा, अर्थात् :—

(i) उक्त अनुसूची के भाग 2, साधारण, केन्द्रीय सेवा, वर्ग 3 में, 'आयकर विभाग' शीर्षक के अधीन, खण्ड ख (ii) और उसके सामने की प्रविष्टियों के नीचे, निम्नलिखित अन्तःस्थापित किया जाएगा :—

सेवा का वर्णन	नियुक्ति प्राधिकारी	शक्ति अधिरोपित करने के लिए सक्षम प्राधिकारी	शास्तियां	अपील प्राधिकारी
(1)	(2)	(3)	(4)	(5)
(ग) मूल्यांकन प्रकोष्ठ के पद				
(i) पर्यवेक्षक प्रधानलिपिक	आयकर आयुक्त	आयकर आयुक्त	सभी	केन्द्रीय प्रत्यक्ष कर बोर्ड
		सहायक आयुक्त (अर्जन)	(i) से (iii) तक	आयकर आयुक्त
		सहायक इंजीनियर (मुक्यालय)	(i)	आयकर आयुक्त
(ii) सभी अन्य पद	सहायक आयुक्त (अर्जन)	सहायक आयुक्त (अर्जन)	सभी	आयकर आयुक्त
		सहायक इंजीनियर	(i) से (iii) तक	आयकर आयुक्त

(2085)

(ii) भाग 3, साधारण सेवा वर्ग 4 में, "घायकर विभाग" शीर्षक के अधीन, खण्ड (ग) और उसके सामने की प्रविष्टियों के नीचे निम्नलिखित अन्तः स्थापित किया जाएगा :—

1	2	3	4	5
(ब) मूल्यांकन प्रकोष्ठ के पद	सहायक आयुक्त (भर्जन)	सहायक आयुक्त (भर्जन)	सभी	घायकर आयुक्त
	सहायक इंजीनियर		(i) से (iii) तक	घायकर आयुक्त

[फा० सं० सी० 14013/23/77-प्रशा०-IX]

टी० जैकब, डप सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 28th April, 1981

S.O. 1852—In exercise of the powers conferred by sub-rule 2 of Rule 9, Clause (b) of sub-rule (2) of Rule 12 and Rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby directs that the following further amendments shall be made in the Schedule to notification of Government of India in the Ministry of Finance, Department of Revenue No. SRO-612 dated the 28th February, 1957, as amended by notification dated the 31st July, 1965 namely :

(i) In the said Schedule in Part II, General Central Services Class-III under the heading "Income Tax Department" below Clause B (ii) and the entries there against, the following shall be inserted :—

1	2	3	4	5
(C) Posts in the Valuation Cell				
(i) Supervisors Head Clerks	Commissioner of Income-tax	Commissioner of Income-tax	All	Central Board of Direct Taxes
		Assistant Commissioner (Acquisition)	(i) to (iii)	Commissioner of Income-tax
		Assistant Engineer (Hq.)	(i)	Commissioner of Income-tax
(ii) All other posts	Assistant Commissioner (Acquisition)	Assistant Commissioner (Acquisition)	All	Commissioner of Income-tax
		Assistant Engineer	(i) to (iii)	Commissioner of Income-tax

(ii) In Part-III, General Service Class-IV under the heading "Income-tax Department" below Clause (c) and entries there against, the following shall be inserted :—

1	2	3	4	5
(D) Posts in the Valuation Cell				
	Assistant Commissioner (Acquisition)	Assistant Commissioner (Acquisition)	All	Commissioner of Income-tax.
		Assistant Engineer	(i) to (iii)	Commissioner of Income-tax.

[F. No. C-14013/23/77-Ad. IX]

T. JACOB, Dy. Secy.

नई दिल्ली, 11 मई, 1981

सारणी

फा० सं० 1853.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 20 की उपधारा (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के वित्त मन्त्रालय (राजस्व विभाग) की दिनांक 9 फरवरी 1981 की अधिसूचना सं० 6/81-स्टाम्प फा० सं० 33/3/81-बि० फ० (फा० सं० 745) को, अधिकांश करते हुए, केन्द्रीय सरकार, एतद्वारा स्टाम्प शुल्क की गणना करने के प्रयोजन से नीचे की सारणी के स्तम्भ (2) में विनिर्दिष्ट विदेशी मुद्रा को भारतीय मुद्रा में सम्परिवर्तित करने के लिए, विनियम की दर उसके स्तम्भ (3) में सम्प्रदर्शित प्रविष्टियों में निहित करती है।

क्रम संख्या	विदेशी मुद्रा	100 रु० के समतुल्य विदेशी मुद्रा के विनियम की दर
1	2	3
1.	आस्ट्रियन शिलिंग	176.60
2.	आस्ट्रेलियन डॉलर	10.27
3.	बेल्जियन फ्रैंक	409.00

TABLE					
1	2	3	S. No.	Foreign currency	Rate of exchange of foreign currency equivalent to Rs. 100/-
4.	कनाडियन डालर	14.235	(1)	(2)	(3)
5.	डेनिस क्रोनर	78.70	1.	Austrian Schillings	176.60
6.	डूयों मार्क	25.02	2.	Australian Dollars	10.27
7.	डच गिल्डर	27.66	3.	Belgian Francs	409.00
8.	फ्रैंक फ्रैंक	58.95	4.	Canadian Dollars	14.235
9.	हांग कांग डालर	63.30	5.	Danish Kroners	78.70
10.	इटालियन लीरा	12435	6.	Deutsche Marks	25.02
11.	जापानी ऐन	2533	7.	Dutch Guilders	27.66
12.	मलेशियन डालर	27.44	8.	French Francs	58.95
13.	नार्वेजियन क्रोनर	64.05	9.	Hong Kong Dollars	63.30
14.	पाउंड स्टर्लिंग	5.3810	10.	Italian Lire	12435
15.	स्वीडिश क्रोनर	54.80	11.	Japanese Yen	2533
16.	स्विस फ्रैंक	22.76	12.	Malaysian Dollars	27.44
17.	अमरीकी डालर	12.075	13.	Norwegian Kroners	64.05
			14.	Pound Sterling	5.3810
			15.	Swedish Kroners	54.80
			16.	Swiss Francs	22.76
			17.	U.S.A. Dollars	12.075

[सं० 13/81-स्टाम्प/फा० सं० 33/3/81-वि० क०]
जी० एम० मेहरा, अवर सचिव

New Delhi, the 11th May, 1981

S. O. 1853:—In exercise of the powers conferred by sub-section (2) of section 20 of the Indian Stamp Act, 1899 (2 of 1899) and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 6/81-Stamp F. No. 33/3/81-ST (No. S. O. 745) dated 9th February, 1981, the Central Government hereby prescribes in column (3) of the Table below the rate of exchange for the conversion of the foreign currency specified in the corresponding entry in column (2) thereof into the currency of India for the purpose of calculating stamp duty.

[No. 13/81-Stamp/F. No. 33/3/81-S7]
G. S. MEHRA, Under Secy.

(रक्षा प्रभाग)

नई दिल्ली, 21 मई, 1981

का० भा० 1854:—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और प्रपील) नियम, 1965 के नियम 34 के साथ पठित, नियम 9 के उपनियम (2), नियम, 12 के उपनियम (2) के खण्ड (ख) और नियम 24 के उपनियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वित्त मंत्रालय (रक्षा प्रभाग) की अधिसूचना सं० का० नि० भा० 829, तारीख 28 फरवरी, 1957 का निम्नलिखित और संशोधन करते हैं, अर्थात्:—

उक्त अधिसूचना की अनुसूची में, (1) भाग 2-साधारण केन्द्रीय सेवा, वर्ग 3 (अब समूह 'ग') में, 'रक्षा सेवा विभाग' भाग 2 (समूह 'ग') शीर्षक के अधीन "कार्यालय, रक्षा सेवा नियंत्रक" शीर्षक और स्तम्भ 1 से 5 की विद्यमान प्रविष्टियों के स्थान पर क्रमशः निम्नलिखित शीर्षक और प्रविष्टियाँ रखी जायेंगी, अर्थात्:—

भाग 2 (समूह 'ग')

कार्यालय, रक्षा सेवा नियंत्रक/कार्यालय, सेवा नियंत्रक (कारखाना)

1	2	3	4
(1) अनुभाग अधिकारी (सेवा)	रक्षा सेवा नियंत्रक/सेवा नियंत्रक (कारखाना)	रक्षा सेवा नियंत्रक/सेवा नियंत्रक (कारखाना) सभी रक्षा सेवा संयुक्त नियंत्रक (कारखाना) या रक्षा सेवा उपनियंत्रक/सेवा उपनियंत्रक (कारखाना)	रक्षा सेवा महा नियंत्रक (i) से (iv) रक्षा सेवा नियंत्रक/सेवा नियंत्रक (कारखाना)
(2) अन्य सभी पद	रक्षा सेवा संयुक्त नियंत्रक/सेवा संयुक्त नियंत्रक (कारखाना) या	रक्षा सेवा संयुक्त नियंत्रक/सेवा संयुक्त नियंत्रक (कारखाना) या	रक्षा सेवा नियंत्रक/सेवा नियंत्रक (कारखाना)

1	2	3	4	5
	रक्षा लेखा उपनियंत्रक/लेखा उपनियंत्रक (कारखाना)	रक्षा लेखा उपनियंत्रक/लेखा उपनियंत्रक (कारखाना)		
		रक्षा लेखा सहायक नियंत्रक/लेखा सहायक नियंत्रक (कारखाना)	स्वतंत्र उप कार्या- लयों के प्रभारी (i) से (iv)	रक्षा लेखा नियंत्रक/ लेखा नियंत्रक (कारखाना)
		या लेखा अधिकारी/रक्षा लेखा सहायक नियं- त्रक/लेखा सहायक नियंत्रक (कारखाना)		
		या लेखा अधिकारी		

(2) भाग 3-साधारण केन्द्रीय सेवा वर्ग 4 (ग्रुप समूह 'घ') में, 'रक्षा लेखा विभाग' भाग 3 (समूह घ) के अधीन, "कार्यालय, रक्षा लेखा नियंत्रक" शीर्षक और स्तम्भ 1 से 5 की विद्यमान प्रविष्टियों के स्थान पर, क्रमशः निम्नलिखित शीर्षक और प्रविष्टियाँ रखी जायेंगी, अर्थात्:—

भाग 3 (समूह 'घ')				
कार्यालय, रक्षा लेखा नियंत्रक/लेखा नियंत्रक (कारखाना)				
(2) सभी पद	रक्षा लेखा संयुक्त नियंत्रक/लेखा संयुक्त नियंत्रक (कारखाना) । या रक्षा लेखा उपनियंत्रक/लेखा उपनियंत्रक (कारखाना)	रक्षा लेखा संयुक्त नियंत्रक/लेखा नियंत्रक (कारखाना) या रक्षा लेखा उपनियंत्रक/लेखा उपनियंत्रक (कारखाना)	संयुक्त सभी** या रक्षा लेखा सहायक नियंत्रक/लेखा सहायक नियंत्रक (कारखाना) या लेखा अधिकारी/रक्षा लेखा सहायक नियं- त्रक/लेखा सहायक नियंत्रक (कार- खाना) । या लेखा अधिकारी	रक्षा लेखा नियंत्रक/ लेखा नियंत्रक (कार- खाना) या रक्षा लेखा संयुक्त नियं- त्रक/संयुक्त लेखा नियं- त्रक (कारखाना) या रक्षा लेखा उपनियंत्रक/लेखा उपनियंत्रक (कारखाना) } **

*स्वतंत्र उप कार्यालय का प्रभारी।

**प्रशासन या उप कार्यालय का प्रभारी।

2. यह अधिसूचना 20 अप्रैल, 1979 से प्रवृत्त हुई समझी जायेगी।

[यू. प्रो. सं० 493/सी/एस/81]

वि० एम० आर० राव०, सहायक बिस्तीय सलाहकार (सी)

(Defence Division)
New Delhi, the 21st May, 1981

S.O. 1854.—In exercise of the powers conferred by sub-rule (2) of Rule 9, clause (b) of sub-rule (2) of Rule 12 and sub-rule (1) of Rule 24 read with Rule 34 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendment, in the notification of the Government of India in the Ministry of Finance (Defence Division) No. SRO 629 dated the 28th February 1957, namely:—

In the Schedule to the said notification, (I) in Part-II—General Central Service, Class III (new Group 'C') under the heading 'Defence Accounts Department' Part II (Group 'C') for the heading "Office of the Controller of Defence Accounts" and existing entries in Columns 1 to 5 the following headings and entries shall respectively be substituted namely:—

PART II (GROUP 'C')

Office of the Controller of Defence Accounts/Office of the Controller of Accounts (Factories)

1	2	3	4	5
(i) Section Officer (Accounts)	Controller of Defence Accounts/ Controller of Accounts (Fac- tories)	Controller of Defence Accou- nts/Controller of Accounts (Factories) Joint Controller of Defence Accounts/Joint Controller of Accounts (Factories) Or Deputy Controller of Defence Accounts/Deputy Controller of Accounts (Factories)	All Accounts (xx) (i) to (iv)	Controller General of Defence Accounts. Controller of Defence Accounts/ Controller of Accounts (Factories)

1	2	3	4	5
(ii) All other posts	Joint Controller of Defence Accounts/Joint Controller of Accounts (Factories) Or Deputy Controller of Defence Accounts/Deputy Controller of Accounts (Factories). Assistant Controller of Defence Accounts/Assistant Controller of Accounts (Factories) Or Accounts Officer/Assistant Controller of Defence Accounts/Assistant Controller of Accounts (Factories) Or Accounts Officer	Joint Controller of Defence Accounts/Joint Controller of Accounts (Factories) Or Deputy Controller of Defence Accounts/Deputy Controller of Accounts (Factories)	(**) All Incharge of Independent Sub-Offices. (i) to (iv) Controller of Defence Accounts/Controller of Accounts (Factories)	

(ii) In Part III General Central Service Class IV (new Group 'D') under the heading 'Defence Accounts Department' Part III (Group 'D') for heading "Officer of the Controller of Defence Accounts" and the existing entries in Columns 1 to 5 the following heading and entries shall respectively be substituted namely :—

PART III (GROUP 'D')

Office of the Controller of Defence Accounts/Controller of Accounts (Factories).

1	2	3	4	5
All posts	Joint Controller of Defence Accounts/Joint Controller of Accounts (Factories) Or **Deputy Controller of Defence Accounts/Deputy Controller of Accounts (Factories) (xx)	Joint Controller of Defence Accounts/Joint Controller of Accounts (Factories) Or Deputy Controller of Defence Accounts/Deputy Controller of Accounts (Factories) Assistant Controller of Defence Accounts/Assistant Controller of Accounts (Factories) Or Accounts Officer/Assistant Controller of Defence Accounts/Assistant Controller of Accounts (Factories) Or Accounts Officer.	All (**) (i) to (iv) (iv)	Controller of Defence Accounts/Controller of Accounts (Factories). Joint Controller of Defence Accounts/Joint Controller of Accounts (Factories) Or Deputy Controller of Defence Accounts/Deputy Controller of Accounts (Factories) } (**)

(**) In-charge of Administration or a sub-office.

@ In-charge of independent sub-office.

2. This notification shall be deemed to have come into force on the 20th April, 1979.

Explanatory

Memorandum

Consequent upon the reorganisation of Ordnance Factories and formation of Ordnance Factory Board w. e. f. 2-4-79 the Controller of Defence Accounts (Factories) has been redesignated as Controller of Accounts (Factories) w. e. f. the above date. The designation of officers under Controller of Accounts (Factories) have also been suitably redesignated with effect from the same date.

Accordingly, the amendments now proposed are only to incorporate the change in designation as mentioned above from the original date of Govt. notification of the delegation of powers i.e. w.e.f. 20-4-79. Nobody is adversely affected by giving retrospective operation.

[UO No. 493/C/S/81]

V.N.R. RAO, A.F.A. (C)

**आर्थिक कार्य विभाग
(बैंकिंग प्रभाग)**

नई दिल्ली, 28 मई, 1981

क्र० आ० 1855—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक और यूनाइटेड बैंक ऑफ इण्डिया के परामर्श से निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का नाम मणिपुर ग्रामीण बैंक (बोर्ड के अधिवेशन) नियम 1981 है।
- (2) ये राजपत्र में प्रकाशन की तारीख से लागू होंगे।
2. परिभाषा : इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—
 - (क) “अधिनियम” से प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) अभिप्रेत है।
 - (ख) “बैंक” से मणिपुर ग्रामीण बैंक अभिप्रेत है।
 - (ग) ऐसे शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं वही अर्थ हैं, जो उनके अधिनियम में हैं।
3. बोर्ड के अधिवेशनों की न्यूनतम संख्या—एक वर्ष में बोर्ड के कम से कम छह अधिवेशन होंगे और हर तिमाही में कम से कम एक अधिवेशन होगा।
4. अधिवेशनों का संयोजन—अधिवेशनों का संयोजन बोर्ड के अध्यक्ष द्वारा किया जायेगा।
5. अधिवेशनों का स्थान—बोर्ड के अधिवेशन बैंक के मुख्य कार्यालय में अथवा अधिसूचित क्षेत्र में किसी ऐसे अन्य स्थान पर होंगे, जिसे बोर्ड विनिश्चित करे।
6. अधिवेशन की सूचना तथा कारबार की सूची :—(1) (क) बोर्ड के प्रत्येक अधिवेशन का समय एवं स्थान अध्यक्ष द्वारा विनिश्चित किया जायेगा।
- (ख) बोर्ड के अधिवेशन के लिए प्रत्येक निदेशक को अधिवेशन की तारीख से साधारणतः कम से कम पन्द्रह दिन की सूचना दी जायेगी और प्रत्येक निदेशक को यह सूचना उसके द्वारा हम निमित्त विनिश्चित पते पर भेजी जायेगी।
- (ग) अधिवेशन में किये जाने के लिए प्रस्तावित कारबार की सूची उक्त सूचना के साथ ही परिचालित की जायेगी।
- (घ) उस कारबार के सिवाय जिसके लिए अधिवेशन बुलाया गया है, कोई अन्य कारबार अधिवेशन के अध्यक्ष तथा उपस्थित निदेशकों की बहुसंख्या की सहमति के बिना तब तक नहीं किया जायेगा जब तक कि उस कारबार के बारे में अध्यक्ष को एक सप्ताह की लिखित सूचना नहीं दे दी गयी है।
- (2) यदि बोर्ड का आपात अधिवेशन बुलाना आवश्यक हो तो प्रत्येक निदेशक को पर्याप्त समय पूर्व सूचना दी जायेगी।
7. बोर्ड का विशेष अधिवेशन :—(1) अध्यक्ष, इस प्रयोजन के लिए कम से कम बार निदेशकों से मांग प्राप्त होने पर, बोर्ड का अधिवेशन बुलायेगा।
- (2) इस मांग में उस प्रयोजन का उल्लेख होगा, जिसके लिए अधिवेशन बुलाने की अपेक्षा की गयी है।
- (3) अधिवेशन मांग प्राप्त होने की तारीख से 21 दिन के भीतर ही बुलाया जायेगा।

8. बोर्ड के अधिवेशन के लिए गणपूर्ति निदेशकों की कुल संख्या के एक तिहाई या चार की, इनमें से जो अधिक हो, होगी :

परन्तु जहाँ इस अधिनियम की धारा 14 की उपधारा (4) के उपबंध के कारण कोई निदेशक बोर्ड के अधिवेशन में बिचार-विमर्श में भाग लेने के अथवा मत देने में असमर्थ हो, वहाँ गणपूर्ति तीन की होगी :

9. गणपूर्ति न होने के कारण अधिवेशन का स्थगन :—यदि बोर्ड का अधिवेशन, गणपूर्ति न होने के कारण नहीं हो सका हो तो अधिवेशन अगले सप्ताह में उसी दिन, उसी स्थान एवं समय के लिए, अथवा यदि वह दिन सार्वजनिक अवकाश-दिन हो, तो उससे अगले दिन, जो सार्वजनिक अवकाश-दिन न हो, उसी समय और उसी स्थान के लिये स्वतः स्थगित हो जायेगा :

परन्तु जहाँ गणपूर्ति न होने के कारण स्थगित अधिवेशन में कोई निदेशक अनुपस्थित रहा हो, वहाँ अध्यक्ष जिस तारीख तक के लिये अधिवेशन स्थगित हो, उससे पूर्व उस निदेशक को यह सूचना भेजेगा कि गणपूर्ति न होने के कारण उस तारीख को अधिवेशन नहीं हुआ।

10. परिचालन द्वारा कारबार—(1) यदि अध्यक्ष ऐसा निदेश दे, तो बोर्ड द्वारा किये जाने वाले कारबार को कागजों के परिचालन द्वारा निदेशकों (भारत से बाहर गये निदेशकों से भिन्न) को निदिष्ट किया जा सकता है।

(2) कोई भी कारबार जिसे उपनियम (1) के अन्तर्गत परिचालित किया गया हो और उन निदेशकों के बहुमत द्वारा अनुमोदित किया जा चुका हो, जिन्होंने अपने विचार लेखबद्ध किये हों, उसी प्रकार प्रभावी और प्रावधानकार होगा मानो ऐसा कारबार अधिवेशन में उपस्थित निदेशकों के बहुमत द्वारा विनिश्चित किया गया हो।

(3) परिचालन द्वारा पारित कोई मामला बोर्ड द्वारा उस तारीख को पारित किया गया माना जायेगा जिस तारीख को उस मामले पर अन्तिम हस्ताक्षरकर्ता ने हस्ताक्षर किये हों।

(4) यदि कोई मामला परिचालित किया जाता है तो उस परिचालन परिणाम से सभी निदेशकों को सूचित किया जायेगा।

(5) कागजों के परिचालन द्वारा किसी प्रश्न पर किये गये सभी निर्णयों को अभिलेख के लिये अगले अधिवेशन में रखा जायेगा।

11. कारबार के अभिलेख—(1) (क) बोर्ड के अधिवेशनों के कार्य-वृत्तों को पुस्तकों (जिन्हें इसमें इसके पश्चात् कार्यवृत्त पुस्तक कहा गया हो) में रखा जायेगा।

(ख) कार्यवृत्त पुस्तक का हर पृष्ठ, यथास्थिति, अध्यक्ष अथवा निदेशक, जिसमें अधिवेशन की अध्यक्षता की हो, द्वारा प्राथमिक या हस्ताक्षरित किया जायेगा तथा ऐसी पुस्तक में प्रत्येक अधिवेशन की कार्यवाहियों के अभिलेख के अन्तिम पृष्ठ पर तारीख डाली जायेगी।

(2) प्रत्येक अधिवेशन की समाप्ति के पश्चात् यथाशीघ्र इन कार्य-वृत्तों की प्रतियां प्रत्येक निदेशक को भेजी जायेगी।

(3) जब कोई कारबार या कागजों के परिचालन द्वारा किया जाये तो इस प्रकार किये गये कारबार के अभिलेख की अध्यक्ष द्वारा हस्ताक्षरित किया जायेगा और कार्यवृत्त पुस्तक में उसकी प्रविष्टि की जायेगी।

(4) प्रत्येक अधिवेशन के कार्यवृत्त पुष्टि के लिये अगले अधिवेशन में रखे जायेंगे।

(5) अधिवेशनों के वे कार्यवृत्त, जो इन नियमों के उपबन्धों के अनुसार रखे जायेंगे, उनमें अभिलिखित कार्यवाहियों का साक्ष्य होंगे।

[सं० एफ० 12-5/81-भार०भार०बी० (17)]

विनेश चन्द्र, निदेशक

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 28th May, 1981

S.O. 1855.—In exercise of the powers conferred by section 29 of the Regional Rural Banks Act 1976 (21 of 1976), the Central Government, after consultation with the Reserve Bank of India and United Bank of India, hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Manipur Rural Bank (Meetings of Board) Rules, 1981.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires—

(a) "Act" means the Regional Rural Banks Act, 1976 (21 of 1976).

(b) "bank" means the Manipur Rural Bank.

(c) words and expressions used herein and not defined but defined in the Act have the meanings, respectively, assigned to them in Act.

3. Minimum number of meetings of the Board.—The Board shall hold at least six meetings in a year and at least one meeting in every quarter.

4. Convening of meetings.—Meetings of the Board shall be convened by the Chairman.

5. Venue of the meeting.—The meeting of the Board shall be held at the head office of the bank or at such other place in the notified area as the Board may decide.

6. Notice of meeting and list of business.—(1) (a) The Chairman shall decide the time and place of every meeting of the Board.

(b) A notice of not less than fifteen days shall ordinarily be given to every director for a meeting of the Board and the notice shall be sent to every director at the address specified by him in this behalf.

(c) A list of business proposed to be transacted at the meeting shall be circulated along with the notice.

(d) No business, other than that for which the meeting was convened, shall be transacted at a meeting of the Board except with the consent of the Chairman of the meeting and a majority of the Directors present unless one week's notice of such business has been given in writing to the Chairman.

(2) Where it is necessary to call an urgent meeting of the Board, a notice of not less than seven days shall be given to each director.

7. Special meeting of the Board.—(1) The Chairman shall call a meeting of the Board after a requisition for that purpose has been received by him from not less than four directors.

(2) The requisition shall state the purpose for which the meeting is required to be called.

(3) The meeting shall be called not later than twenty-one days from the date of receipt of the requisition.

8. Quorum for a meeting.—A quorum for a meeting of the Board shall be one-third of the total number of directors or four whichever is higher :

Provided that where by reason of the provision of sub-section (4) of section 14 of the Act any director is unable to take part in the discussion of, or vote at, a meeting of the Board, the quorum shall be three.

9. Adjournment of meeting for want of quorum.—If a meeting of the Board could not be held for want of quorum, then the meeting shall automatically stand adjourned till the

same day in the next week, at the same time and place, or if that day is a public holiday, till the next succeeding day which is not a public holiday, as the same time and place :

Provided that where a director is not present at a meeting adjourned for want of quorum the Chairman shall before the date to which the meeting stands adjourned, send notice to the director that the meeting was not held on the date for want of quorum.

10. Business by circulation.—(1) A business which is to be transacted by the Board may, if the Chairman so directs, be referred to directors (other than directors who are absent from India) by circulation of papers.

(2) Any business circulated under sub-rule (1) and approved by such number of directors as are necessary to constitute quorum for a meeting of the Board who have recorded their views in writing shall be as effectual and binding as if such business were decided by the majority of the directors present at a meeting.

(3) A business passed by circulation shall be deemed to be a business passed by the Board on the date it was signed by the last signatory to the business.

(4) If a business is circulated the result of the circulation shall be communicated to all the directors.

(5) All decisions on a question arrived at by circulation of papers shall be placed at the next meeting for record.

11. Records of business.—(1) (a) The minutes of the meetings of the Board shall be kept in book (hereinafter referred to as the Minutes Book).

(b) Every page of the Minutes Book shall be initialled or signed by the Chairman or the director, as the case may be, who presided at the meeting and last page of the record of proceedings of each meeting of such book shall be dated.

(2) Copies of such minutes shall be forwarded to each director as soon as possible after every meeting.

(3) When a business is transacted by circulation of papers, a record of business so transacted shall be signed by the Chairman and shall be entered in the Minutes Book.

(4) The minutes of each meeting shall be placed before the next meeting for confirmation.

(5) The minutes of meetings kept in accordance with the provisions of these rules shall be evidence of proceedings recorded therein.

[No. F. 12-5/81-RRB(17)]

नई दिल्ली, 5 जून, 1981

कां.बां. 1856.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 29 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक और इण्डियन बैंक के परामर्श से निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का नाम श्री बैंकेश्वर ग्रामीण बैंक (बोर्ड के अधिवेशन) नियम, 1981 होंगे।

(2) ये राजपत्र में प्रकाशन की तारीख से लागू होंगे।

2. परिभाषा :—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,

(क) "अधिनियम" से प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) अभिप्रेत है।

(ख) "बैंक" से श्री बैंकेश्वर ग्रामीण बैंक अभिप्रेत है।

(ग) ऐसे गठनों और पत्रों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं वही अर्थ हैं, जो उनके अधिनियम में हैं।

3. बोर्ड के अधिवेशनों की न्यूनतम संख्या :—एक वर्ष में बोर्ड के कम से कम छह अधिवेशन होंगे और हर तिमाही में कम से कम एक अधिवेशन होगा।

4. अधिवेशनों का संयोजन :—अधिवेशनों का संयोजन बोर्ड के अध्यक्ष द्वारा किया जायेगा।

5. अधिवेशनों का स्थान :—बोर्ड के अधिवेशन बैंक के मुख्य कार्यालय में अथवा अधिसूचित क्षेत्र में किसी ऐसे अन्य स्थान पर होंगे, जिसे बोर्ड विनिश्चित करे।

6. अधिवेशन की सूचना तथा कारबार की सूची :—(1) (क) बोर्ड के प्रत्येक अधिवेशन में समय एवं स्थान अध्यक्ष द्वारा विनिश्चित किया जायेगा।

(ख) बोर्ड के अधिवेशन के लिए प्रत्येक निदेशक को अधिवेशन की तारीख से साधारणतया कम से कम पन्द्रह दिन की सूचना दी जायेगी और प्रत्येक निदेशक को यह सूचना उसके द्वारा हस्ताक्षरित लिखित पत्र पर भेजी जायेगी।

(ग) अधिवेशन में किये जाने के लिये प्रस्तावित कारबार की सूची उक्त सूचना के साथ ही परिचालित की जायेगी।

(घ) उस कारबार के सिवाय जिसके लिये अधिवेशन बुलाया गया है, कोई अन्य कारबार अधिवेशन के अध्यक्ष तथा उपस्थित निदेशकों की बहुसंख्या की सहमति के बिना तब तक नहीं किया जायेगा जब तक कि उस कारबार के बारे में अध्यक्ष को एक सप्ताह की लिखित सूचना नहीं दे दी गयी है।

(2) यदि बोर्ड का आपात अधिवेशन बुलाना आवश्यक हो तो प्रत्येक निदेशक को पर्याप्त समय पूर्व सूचना दी जायेगी।

7. बोर्ड का विशेष अधिवेशन :—(1) अध्यक्ष, इस प्रयोजन के लिए कम से कम चार निदेशकों से मांग प्राप्त होने पर, बोर्ड का अधिवेशन बुलायेगा।

(2) इस मांग में उस प्रयोजन का उल्लेख होगा, जिसके लिए अधिवेशन बुलाने की भेक्षा की गयी है।

(3) अधिवेशन मांग प्राप्त होने की तारीख से 21 दिन के भीतर ही बुलाया जायेगा।

8. बोर्ड के अधिवेशन के लिए गणपूर्ति निदेशकों की कुल संख्या के एक तिहाई या चार की, इनमें से जो अधिक हो, होगी :

परन्तु जहाँ इस अधिनियम की धारा 14 की उपधारा (4) के उपबन्ध के कारण कोई निदेशक बोर्ड में विचार विमर्श में भाग लेने के अथवा मत देने में असमर्थ हो, वहाँ गणपूर्ति तीन की होगी।

9. गणपूर्ति न होने के कारण अधिवेशन का स्थगन :—यदि बोर्ड का अधिवेशन गणपूर्ति न होने के कारण नहीं हो सका हो तो अधिवेशन अगले सप्ताह में उसी दिन, उसी स्थान एवं समय के लिए, अथवा यदि वह दिन सार्वजनिक अवकाश-दिन हो, तो उससे अगले दिन, जो सार्वजनिक अवकाश-दिन न हो उसी समय और उसी स्थान के लिये स्वतः स्थगित हो जायेगा :

परन्तु जहाँ गणपूर्ति न होने के कारण स्थगित अधिवेशन में कोई निदेशक अनुपस्थित रहा हो, वहाँ अध्यक्ष जिस तारीख तक के लिये अधिवेशन स्थगित हो, उससे पूर्व उस निदेशक को यह सूचना भेजेगा कि गणपूर्ति न होने के कारण उस तारीख को अधिवेशन नहीं हुआ।

10. परिचालन द्वारा कारबार :—(1) यदि अध्यक्ष ऐसा निदेश दे, तो बोर्ड द्वारा किये जाने वाले कारबार को कागजों के परिचालन द्वारा निदेशकों (भारत से बाहर गये निदेशकों से भिन्न) को निश्चित किया जा सकता है।

(2) कोई भी कारबार जिसे उपनियम (1) के अन्तर्गत परिचालित किया गया हो और उन निदेशकों के बहुमत द्वारा अनुमोदित किया जा चुका हो, जिन्होंने अपने विचार लेखबद्ध किये हों, उसी प्रकार प्रभावी और आबद्धकार होगा मानो ऐसा कारोबार अधिवेशन में उपस्थित निदेशकों के बहुमत द्वारा विनिश्चित किया गया हो।

(3) परिचालन द्वारा पारित कोई मामला बोर्ड द्वारा उस तारीख को पारित किया गया माना जायेगा जिस तारीख को उस मामले पर अंतिम हस्ताक्षरकर्ता ने हस्ताक्षर किये हों।

(4) यदि कोई मामला परिचालित किया जाता है तो उस परिचालन परिणाम से सभी निदेशकों को संसूचित किया जायेगा।

(5) कागजों के परिचालन द्वारा किसी प्रश्न पर किये गये सभी नियमों को अभिलेख के लिये अगले अधिवेशन में रखा जायेगा।

11. कारबार के अभिलेख : (1) (क) बोर्ड के अधिवेशनों के कार्यवृत्तों की पुस्तकों (जिन्हें इसमें इसके पश्चात् कार्यवृत्त पुस्तक कहा गया हो) में रखा जायेगा। (ख) कार्यवृत्त पुस्तक का हर पृष्ठ, यथास्थिति, अध्यक्ष अथवा निदेशक, जिसने अधिवेशन की अध्यक्षता की हो, द्वारा आक्षेपित या हस्ताक्षरित किया जायेगा तथा ऐसी पुस्तक में प्रत्येक अधिवेशन की कार्यवाहियों के अभिलेख के अन्तिम पृष्ठ पर तारीख डाली जायेगी।

(2) प्रत्येक अधिवेशन की समाप्ति के पश्चात् यथाशीघ्र इन कार्यवृत्तों की प्रतियाँ प्रत्येक निदेशक को भेजी जायेंगी।

(3) जब कोई कारबार कागजों के परिचालन द्वारा किया जाये तो इस प्रकार किये गये कारबार के अभिलेख की अध्यक्ष द्वारा हस्ताक्षरित किया जायेगा और कार्यवृत्त पुस्तक में उसकी प्रविष्टि की जायेगी।

(4) प्रत्येक अधिवेशन के कार्यवृत्त पुष्टि के लिये अगले अधिवेशन में रखे जायेंगे।

(5) अधिवेशनों के कार्यवृत्त, जो इन नियमों के उपाबन्धों के अनुसार रखे जायेंगे, उनमें अभिविहित कार्यवाहियों का साक्ष्य होंगे।

[सं० एक० 12-5/81-प्रार०भार०की(15)]

दिनेश चंद्र

New Delhi, the 5th June, 1981

S.O. 1856.—In exercise of the powers conferred by section 29 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government, after consultation with the Reserve Bank of India and Indian Bank hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Shri Venkateshwara Gramseena Bank (Meetings of Board) Rules, 1981.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires—

(a) "Act" means the Regional Rural Banks Act, 1976 (21 of 1976),

(b) "bank" means the Shri Venkateshwara Gramseena Bank,

- (c) words and expressions used herein and not defined but defined in the Act have the meanings, respectively, assigned to them in the Act.

3. Minimum number of meetings of the Board.—The Board shall hold at least six meetings in a year and at least one meeting in every quarter.

4. Convening of meetings.—Meetings of the Board shall be convened by the Chairman.

5. Venue of the meetings.—The meetings of the Board shall be held at the head office of the bank or at such other place in the notified area as the Board may decide.

6. Notice of meeting and list of business.—(1) (a) : The Chairman shall decide the time and place of every meeting of the Board.

(b) A notice of not less than fifteen days shall ordinarily be given to every director for a meeting of the board and the notice shall be sent to every director at the address specified by him in this behalf.

(c) A list of business proposed to be transacted at the meeting shall be circulated alongwith the notice.

(d) No business, other than that for which the meeting was convened, shall be transacted at a meeting of the Board except with the consent of the Chairman of the meeting and a majority of the Directors present unless one week's notice of such business has been given in writing to the Chairman.

(2) Where it is necessary to call an urgent meeting of the Board, a notice of not less than seven days shall be given to each director.

7. Special meeting of the Board.—(1) The Chairman shall call a meeting of the Board after a requisition for that purpose has been received by him from not less than four directors.

(2) The requisition shall state the purpose for which the meeting is required to be called.

(3) The meeting shall be called not later than twenty-one days from the date of receipt of the requisition.

8. Quorum for a meeting.—A quorum for a meeting of the Board shall be one-third of the total number of directors or four whichever is higher :

Provided that where by reason of the provision of subsection (4) of section 14 of the Act any director is unable to take part in the discussion of, or vote at, a meeting of the Board, the quorum shall be three.

9. Adjournment of meeting for want of quorum.—If a meeting of the Board could not be held for want of quorum, then the meeting shall automatically stand adjourned till the same day in the next week, at the same time and place, or if that day is a public holiday, till the next succeeding day which is not a public holiday, at the same time and place :

Provided that where a director is not present at a meeting adjourned for want of quorum, the Chairman shall, before the date to which the meeting stands adjourned, send notice to the director that the meeting was not held on the date for want of quorum.

10. Business by circulation.—(1) A business which is to be transacted by the Board may, if the Chairman so directs, be referred to directors (other than directors who are absent from India) by circulation of papers.

(2) Any business circulated under sub-rule (1) and approved by such number of directors as are necessary to constitute quorum for a meeting of the Board who have recorded their views in writing shall be as effectual and binding as if such business were decided by the majority of the directors present at a meeting.

(3) A business passed by circulation shall be deemed to be a business passed by the Board on the date it was signed by the last signatory to the business.

(4) If a business is circulated the result of the circulation shall be communicated to all the directors.

(5) All decisions on a question arrived at by circulation of papers shall be placed at the next meeting for record.

11. Records of business.—(1) (a) The minutes of the meetings of the Board shall be kept in book (hereinafter referred to as the Minutes Book).

(b) Every page of the Minutes Book shall be initialed or signed by the Chairman or the director, as the case may be, who who presided at the meeting and last page of the record of proceedings of each meeting of such book shall be dated.

(2) Copies of such minutes shall be forwarded to each director as soon as possible after every meeting.

(3) When a business is transacted by circulation of papers a record of business so transacted shall be signed by the Chairman and shall be entered in the Minutes Book.

(4) The minutes of each meeting shall be placed before the next meeting for confirmation.

(5) The minutes of meetings kept in accordance with the provisions of these rules shall be evidence of proceedings recorded therein.

[No. F. 12-5/81-RRB(15)]

क्र.सं. 1857.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 29 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक और प्रांतीय बैंक के परामर्श से निम्नलिखित नियम बनाती है, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ:—(1) इन नियमों का नाम अधिनियम ग्राम्य बैंक (बोर्ड के अधिवेशन) नियम 1981 है।

(2) ये राजपत्र में प्रकाशन की तारीख से लागू होंगे।

2. परिभाषा:—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) "अधिनियम" से प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) अभिप्रेत है।

(ख) "बैंक" से अधिनियम ग्राम्य बैंक अभिप्रेत है।

(ग) ऐसे शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं वही अर्थ है, जो उनके अधिनियम में हैं।

3. बोर्ड के अधिवेशनों की न्यूनतम संख्या:—एक वर्ष में बोर्ड के कम से कम छह अधिवेशन होंगे और हर तिमाही में कम से कम एक अधिवेशन होगा।

4. अधिवेशनों का संयोजन:—अधिवेशनों का संयोजन बोर्ड के अध्यक्ष द्वारा किया जायेगा।

5. अधिवेशनों का स्थान:—बोर्ड के अधिवेशन बैंक के मुख्य कार्यालय में अथवा अधिसूचित क्षेत्र में किसी ऐसे अन्य स्थान पर होंगे, जिसे बोर्ड विनिश्चित करे।

6. अधिवेशन की सूचना तथा कारबार की सूची:—(1) (क) बोर्ड के प्रत्येक अधिवेशन का समय एवं स्थान अध्यक्ष द्वारा विनिश्चित किया जायेगा।

(ख) बोर्ड के अधिवेशन के लिये प्रत्येक निदेशक को अधिवेशन की तारीख से साधारणतया कम से कम पन्द्रह दिन की सूचना दी जायेगी और प्रत्येक निदेशक को यह सूचना उसके द्वारा इस निमित्त विनिश्चित पते पर भेजी जाएगी।

(ग) अधिवेशन में किये जाने के लिये प्रस्तावित कारबार की सूची उक्त सूचना के साथ ही परिचालित की जायेगी।

(घ) उस कारबार के सिवाय जिसके लिए अधिवेशन बुलाया गया है, कोई अन्य कारबार अधिवेशन तथा उपस्थित निदेशकों की बहुसंख्या की सहमति के बिना तब तक नहीं किया जायेगा जब तक कि उस कारबार के बारे में अध्यक्ष को एक सप्ताह की लिखित सूचना नहीं दे दी गयी है।

(2) यदि बोर्ड का आपात अधिवेशन बुलाना आवश्यक हो तो प्रत्येक निदेशक को पर्याप्त समय पूर्व सूचना दी जायेगी।

7. बोर्ड का विशेष अधिवेशन :—(1) अध्यक्ष, इस प्रयोजन के लिए कम से कम चार निदेशकों से मांग प्राप्त होने पर बोर्ड का अधिवेशन बुलायेगा।

(2) इस मांग में उस प्रयोजन का उल्लेख होगा, जिसके लिए अधिवेशन बुलाने की अपेक्षा की गयी है।

(3) अधिवेशन मांग प्राप्त होने की तारीख से 21 दिन के भीतर ही बुलाया जायेगा।

8. बोर्ड के अधिवेशन के लिए गणपूर्ति निदेशकों की कुल संख्या के एक तिहाई या चार की, इनमें से जो अधिक हो, होगी।

परन्तु जहाँ इस अधिनियम की धारा 14 की उपधारा (4) के उपबंध के कारण कोई निदेशक बोर्ड के अधिवेशन में विचार-विमर्श में भाग लेने के अथवा मत देने में असमर्थ हो, वहाँ गणपूर्ति तीन की होगी।

9. गणपूर्ति न होने के कारण अधिवेशन का स्थगन :—यदि बोर्ड का अधिवेशन, गणपूर्ति न होने के कारण नहीं हो सका हो तो अधिवेशन अगले सप्ताह में उसी दिन, उसी स्थान एवं समय के लिए, अथवा यदि वह दिन सार्वजनिक अवकाश-दिन हो, तो उससे अगले दिन, जो सार्वजनिक अवकाश दिन न हो, उसी समय और उसी स्थान के लिये स्वतः स्थगित हो जायेगा।

परन्तु जहाँ गणपूर्ति न होने के कारण स्थगित अधिवेशन में कोई निदेशक अनुपस्थित रहा हो, वहाँ अध्यक्ष जिस तारीख तक के लिये अधिवेशन स्थगित हो, उससे पूर्व उस निदेशक को यह सूचना भेजेगा कि गणपूर्ति न होने के कारण उस तारीख को अधिवेशन नहीं हुआ।

10. परिचालन द्वारा कारबार :—(1) यदि अध्यक्ष ऐसा निदेश दे, तो बोर्ड द्वारा किये जाने वाले कारबार को कागजों के परिचालन द्वारा निदेशकों (भारत से बाहर गये निदेशकों से भिन्न) को निदिष्ट किया जा सकता है।

(2) कोई भी कारबार जिसे उपनियम (1) के अन्तर्गत परिचालित किया गया हो और उन निदेशकों के बहुमत द्वारा अनसुनिधित किया जा चुका हो, जिन्होंने अपने विचार लेखबद्ध किये हैं, उसी प्रकार प्रभावी और आवश्यक होगा मानो ऐसा कारबार अधिवेशन में उपस्थित निदेशकों के बहुमत द्वारा विनिश्चित किया गया हो।

(3) परिचालन द्वारा पारित कोई मामला बोर्ड द्वारा उस तारीख को पारित किया गया माना जायेगा जिस तारीख को उस मामले पर अंतिम हस्ताक्षरकर्ता ने हस्ताक्षर किये हैं।

(4) यदि कोई मामला परिचालित किया जाता है तो उस परिचालन परिणाम से सभी निदेशकों को संतुष्टित किया जाएगा।

(5) कागजों के परिचालन द्वारा किसी प्रश्न पर किये गये सभी निर्णयों को अभिलेख के लिये अगले अधिवेशन में रखा जाएगा।

11. कारबार के अभिलेख :—(1) (क) बोर्ड के अधिवेशनों के कार्यवृत्तों को पुस्तकों जिन्हें इसमें इसके पश्चात् कार्यवृत्त पुस्तक कहा गया हो में रखा जायेगा। (ख) कार्यवृत्त पुस्तक का हर पृष्ठ, यथास्थित अध्यक्ष अथवा निदेशक, जिसमें अधिवेशन को अध्यक्षता की हो, द्वारा आधिकारित या हस्ताक्षरित किया जायेगा तथा ऐसी पुस्तक में

प्रत्येक अधिवेशन की कार्यवाहियों के अभिलेख के अन्तिम पृष्ठ पर तारीख बांधी जायेगी।

(2) प्रत्येक अधिवेशन की समाप्ति के पश्चात् यथाशीघ्र इन कार्यवृत्तों की प्रतियां प्रत्येक निदेशक को भेजी जायेंगी।

(3) जब कोई कारबार या कागजों के परिचालन द्वारा किया जाय तो इस प्रकार किये गये कारबार के अभिलेख की अध्यक्ष द्वारा हस्ताक्षरित किया जायेगा और कार्यवृत्त पुस्तक में उसकी प्रविष्टि की जायेगी।

(4) प्रत्येक अधिवेशन के कार्यवृत्त पुष्टि के लिये अगले अधिवेशन में रखे जाएंगे।

(5) अधिवेशनों के वे कार्यवृत्त, जो इन नियमों के उपबंधों के अनुसार रखे जायेंगे, उनमें अभिलिखित कार्यवाहियों का माध्य होंगे।

[सं० एक० 12-5/81-आर० आर० बी० (16)]

दिनेश चन्द्र, निदेशक

S.O. 1857.—In exercise of the powers conferred by section 29 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government, after consultation with the Reserve Bank of India and Andhra Bank hereby makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Rushikulya Gramya Bank (Meetings of Board) Rules, 1981.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires—

(a) "Act" means the Regional Rural Banks Act, 1976 (21 of 1976),

(b) "bank" means the Shri Rushikulya Gramya Bank.

(c) words and expressions used herein and not defined but defined in the Act have the meanings, respectively, assigned to them in the Act.

3. Minimum number of meetings of the Board.—The Board shall hold at least six meetings in a year and at least one meeting in every quarter.

4. Convening of meetings.—Meetings of the Board shall be convened by the Chairman.

5. Venue of the meetings.—The meetings of the Board shall be held at the head office of the bank or at such other place in the notified area as the Board may decide.

6. Notice of meeting and list of business.—(1) (a) The Chairman shall decide the time and place of every meeting of the Board.

(b) A notice of not less than fifteen days shall ordinarily be given to every director for a meeting of the board and the notice shall be sent to every director at the address specified by him in this behalf.

(c) A list of business proposed to be transacted at the meeting shall be circulated alongwith the notice.

(d) No business, other than that for which the meeting was convened, shall be transacted at a meeting of the Board except with the consent of the Chairman of the meeting and a majority of the Directors present unless one week's notice of such business has been given in writing to the Chairman.

(2) Where it is necessary to call an urgent meeting of the Board, a notice of not less than seven days shall be given to each director.

7. Special meeting of the Board.—(1) The Chairman shall call a meeting of the Board after a requisition for that purpose has been received by him from not less than four directors.

(2) The requisition shall state the purpose for which the meeting is required to be called.

(3) The meeting shall be called not later than twenty-one days from the date of receipt of the requisition.

8. Quorum for a meeting.—A quorum for a meeting of the Board shall be one-third of the total number of directors of four whichever is higher :

Provided that where by reason of the provision of sub-section (4) of section 14 of the Act any director is unable to take part in the discussion of, or vote at, a meeting of the Board, the quorum shall be three.

9. Adjournment of meeting for want of quorum.—If a meeting of the Board could not be held for want of quorum, then the meeting shall automatically stand adjourned till the same day in the next week, at the same time and place, or if that day is a public holiday, till the next succeeding day which is not a public holiday, at the same time and place :

Provided that where a director is not present at a meeting adjourned for want of quorum, the Chairman shall, before the date to which the meeting stands adjourned, send notice to the director that the meeting was not held on the date for want of quorum.

10. Business by circulation.—(1) A business which is to be transacted by the Board may, if the Chairman so directs, be referred to directors (other than directors who are absent from India) by circulation of papers.

(2) Any business circulated under sub-rule (1) and approved by such number of directors as are necessary to constitute quorum for a meeting of the Board who have recorded their views in writing shall be as effectual and binding as if such business were decided by the majority of the directors present at a meeting.

(3) A business passed by circulation shall be deemed to be a business passed by the Board on the date it was signed by the last signatory to the business.

(4) If a business is circulated the result of the circulation shall be communicated to all the directors.

(5) All decisions on a question arrived at by circulation of papers shall be placed at the next meeting for record.

11. Records of business.—(1) (a) The minutes of the meetings of the Board shall be kept in book (hereinafter referred to as the Minutes Book).

(b) Every page of the Minutes Book shall be initialed or signed by the Chairman or the director, as the case may be, who, presided at the meeting and last page of the record of proceedings of each meeting of such book shall be dated.

(2) Copies of such minutes shall be forwarded to each director as soon as possible after every meeting.

(3) When a business is transacted by circulation of papers, a record of business so transacted shall be signed by the Chairman and shall be entered in the Minutes Book.

(4) The minutes of each meeting shall be placed before the next meeting for confirmation.

(5) The minutes of meetings kept in accordance with the provisions of these rules shall be evidence of proceedings recorded therein.

आदेश

नई दिल्ली, 12 जून, 1981

क्र० आ० 1858.—बैंककारी विनियम अधिनियम, 1949 (1949 का 10) की धारा 56 के खंड (यख) के साथ पठित धारा 45 की उपधारा 2 के द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उपधारा 45 की उपधारा (1) के अंतर्गत भारतीय रिजर्व बैंक द्वारा दिये गये आदेशन पत्र पर विचार करने के बाद दी गयी को-ऑपरेटिव बैंक लि०, बंगलौर, जिसे हमके पञ्चात् सहकारी बैंक कहा गया है) के संबंध में एतद्वारा 13 जून, 1981 को बैंक का कारोबार बन्द होने से लेकर 12 दिसम्बर, 1981 तक और उस को मिलाकर अधिस्थगन आदेश जारी करती है, जिसके अनुसार अधिस्थगन आदेश की अवधि से यौगन सहकारी बैंक के विरुद्ध सभी कार्यवाहियों का शुरू किया जाना अथवा शुरू की गयी कार्यवाहियों को जारी रखना स्थगित किया जाना है किन्तु शर्त यह है कि इस प्रकार के अधिस्थगन का किसी भी प्रकार से कर्नाटक को-ऑपरेटिव सोसाइटी अधिनियम, 1959 के अंतर्गत कर्नाटक सरकार द्वारा प्रयोग में लाये जाने वाले उसके अधिकारी पर प्रतिकूल प्रभाव नहीं पड़े।

2. केन्द्रीय सरकार एतद्वारा यह निदेश देती है कि उसे स्वीकृत अधिस्थगन की अवधि के दौरान यह सहकारी बैंक भारतीय रिजर्व बैंक की लिखित पूर्वानुमति के बिना कोई ऋण अथवा अधिम नहीं देगा, किसी अधिम का नवीकरण नहीं करेगा, बैंक की किसी परिसंपत्ति को धन्य संक्रामण अथवा निपटान नहीं करेगा, किसी प्रकार का दायित्व स्वीकार नहीं करेगा, कोई निवेश नहीं करेगा अथवा अपने दायित्वों और देनदारियों के संबंध में अथवा अन्यथा किसी प्रकार की प्रदायगी नहीं करेगा अथवा प्रदायगी करना स्वीकार नहीं करेगा अथवा किसी प्रकार का समझौता अथवा ठहारा नहीं करेगा किन्तु वह निम्नलिखित तरीके से और निम्नलिखित सीमा तक दयास्थिति प्रदायगियां अथवा खर्च करेगा :—

(1) प्रत्येक वचन बैंक अथवा वापू खाते अथवा किसी भी नाम से पुकारे जाने वाले किसी अन्य जमा खाते में शेष रकम में से निम्नलिखित राशि तक :—

जमा रकम	देय रकम
50 रुपये तक	पूरी
50 रुपये से अधिक	जमा का धन प्रतिशत अथवा 50 रुपये से जो भी अधिक हो :

बशर्ते की धन भी गयी रकम की कुल सीमा किसी एक व्यक्ति (किसी धन्य व्यक्ति के साथ संयुक्त खाते में नहीं) के नाम से खाते में जमा कुल राशि के 10 प्रतिशत से अधिक अथवा 50 रुपये इनमें जो भी अधिक हो, उससे ज्यादा न हो।

यह भी शर्त है कि ऐसे किसी व्यक्ति को कोई रकम धन नहीं की जाएगी जो किसी प्रकार से सहकारी बैंक का कर्जदार हो।

(2) ऐसे किसी बैंक ड्राफ्ट, पेन्ड्राफ्ट चेकों की राशि जो सहकारी बैंक द्वारा उस तारीख को जारी कर दिये गये हैं जिनका उस तारीख तक भुगतान नहीं किया गया है जिसको अधिस्थगन आदेश लागू होता है।

(3) 13 जून, 1981 को अथवा उससे पूर्व भुगतान के लिए प्राप्त वृद्धियों की राशि चाहे वे उस तारीख से पहले उस तारीख को या उस तारीख के बाद वसूल की गयी हों।

(4) ऐसा कोई व्यय जो किसी सहकारी बैंक के द्वारा अथवा उसके विरुद्ध वापर किए गये मुकदमे, दायित्व अथवा सहकारी बैंक द्वारा या उसके विरुद्ध ली गयी डिप्री या बैंक को मिलने वाली किसी रकम को वसूल करने के संबंध में करना आवश्यक हो :

बशर्ते कि प्रत्येक मुकदमे, दायित्व अथवा डिप्री के संबंध में किए जाने वाले व्यय की रकम 250/- रुपये से अधिक हो, तो खर्च करने से पहले भारतीय रिजर्व बैंक की लिखित अनुमति ली जाएगी; और

(6) किसी अन्य पद पर कोई व्यय, जहाँ तक कि वह व्यय सहकारी बैंक के विचार से बैंक का दैनिक प्रशासन चलाते के लिए करना अनिवार्य हो :

बशर्ते कि जहाँ किसी एक कैलेंडर मास में किसी पद पर किया गया कुल खर्च अधिस्थगन आदेश से पहले के छः कैलेंडर महीनों में उस पद पर किए गए औसत मासिक व्यय से बढ़ जाता हो, अथवा उस अवधि के दौरान जहाँ उस पद पर कोई व्यय नहीं किया गया हो और उस प्रकार किया जाने वाला व्यय 250/- रुपये से बढ़ जाए तो उस प्रकार का व्यय करने से पूर्व भारतीय रिजर्व बैंक की लिखित रूप में अनुमति ली जाएगी।

3. केन्द्रीय सरकार एतद्वारा यह भी निदेश देती है कि इस सहकारी बैंक की स्वीकृत अधिस्थगन की अवधि के दौरान :—

(क) यह सरकारी बैंक निम्नलिखित और अवयवियां कर सकेगा, अर्थात् सरकारी प्रतिभूतियों अथवा अन्य प्रतिभूतियों के बदले कर्नाटक सरकार, अथवा कर्नाटक स्टेट कोऑपरेटिव एपेक्स बैंक लि०, भारतीय स्टेट बैंक अथवा इसके किन्हीं सहायक बैंकों या किसी अन्य बैंक द्वारा सहकारी बैंक को किए गए ऋणों अथवा अभिमो, जो अधिस्थगन आदेश के प्रभावी होने की तारीख को चुकाए जाने शेष थे, की वापसी अदायगी के लिए आवश्यक हों।

(ख) सहकारी बैंक को पूर्वोक्त अवयवियां करने के लिए कर्नाटक स्टेट कोऑपरेटिव एपेक्स बैंक लि० अथवा किसी अन्य बैंक के साथ अपने खाते चलाने की अनुमति दी जाएगी :

परन्तु इस आदेश का ऐसा कोई आशय नहीं होगा कि इस सहकारी बैंक को किसी रकम के लिए जाने से पहले कर्नाटक स्टेट कोऑपरेटिव एपेक्स बैंक लि० अथवा वैसे किसी अन्य बैंक को इस संबंध में अपने आपको आश्वस्त करना होगा कि इस आदेश द्वारा लगाई गई शर्तों का इस बैंक द्वारा पालन किया जा रहा है।

(ग) यह सहकारी बैंक, उन हण्डियों को, जो बमूल न की गयी हों उनको प्राप्त करने के हकदार व्यक्ति के अनुरोध पर ली। सकेगा यदि इस सहकारी बैंक का उन हण्डियों पर कोई अधिकार अथवा हक न हो अथवा वैसे हण्डियों में उसका कोई हिस्सा न हो।

(घ) सहकारी बैंक ऐसे माल अथवा प्रतिभूतियों को जो इस (बैंक) के पास किसी ऋण, मकद, कर्ज अथवा ओवर-ड्राफ्ट के बदले गिरवी, वृष्टिबंधक अथवा बंधक रखी गयी हों अथवा अन्यथा प्रभारित की गयी हो, निम्नलिखित मामलों में छोड़ अथवा दे सकेगा :—

(i) किसी ऐसे मामले में जहाँ यथास्थिति ऋणकर्ताओं से मिलने वाली सारी रकम सहकारी बैंक द्वारा बिना शर्त प्राप्त की गयी है, और

(ii) किसी अन्य मामले में, उस सीमा तक की रकम जितनी आवश्यक अथवा सम्भव हो, निश्चित अनुपातों से नीचे अथवा उन अनुपातों से नीचे, जो अधिस्थगन आदेश के प्रभावी होने से पहले लागू थी, इनमें जो भी ऊँचे हों, उक्त माल और प्रतिभूतियों पर मॉर्गन के अनुपातों को कम किये बिना।

[सं० 8(10)/81-ए०सी०]

प्रधानी सेन, अवर सचिव

ORDER

New Delhi, the 12th June, 1981

S.O. 1858.—In exercise of the powers conferred by sub-section (2) of section 45, read with clause (zb) of section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government after considering the application made by the Reserve Bank of India under sub-section (1) of the said section (1) of the said section 45, hereby makes an order of moratorium in respect of the Vysya Co-operative Bank Ltd., Bangalore (hereinafter referred to as the Co-operative Bank), for the period from the close of business on the 13th June, 1981 upto and inclusive of the 12th December, 1981 staying the commencement or continuance of all actions and proceedings against the Co-operative Bank during the period of moratorium, subject to the condition that such stay shall not in any manner prejudice the exercise by the Government of Karnataka of its powers under the Karnataka Co-operative Societies Act, 1959.

2. The Central Government hereby directs that, during the period of the moratorium granted to it, the Co-operative Bank shall not, without the prior permission in writing of the Reserve Bank of India, grant any loan, make or renew any advance alienate or dispose of any assets of the Bank, incur any liability make any investment or make or agree to make any payment, whether in discharge of its liabilities or obligations or otherwise, or enter into any compromise or arrangement, except making of payments, or incurring of expenditure, as the case may be, to the extent and in the manner provided hereunder—

(i) out of the balance in every savings bank or current account or in any other deposit account, by whatever name called, a sum not exceeding the following :—

Deposit amount

upto Rs. 50

Above Rs. 50

Amount payable
in full

10 per cent of the deposit or
Rs. 50 whichever is higher.

Provided that the sum total of the amounts paid in respect of the accounts standing in the name of any one person (and not jointly with that of any other person) does not exceed 10 per cent of total deposit, or Rs. 50/- whichever is higher :

Provided further that no amount shall be paid to any depositor who is indebted to the Co-operative Bank in any way;

(ii) the amounts of any drafts or pay orders or cheques issued by the co-operative Bank and remaining unpaid on the date on which the order of moratorium comes into force;

(iii) the amounts of the bills received for collection on or before 13th June, 1981 whether realized before on or after that date ;

(iv) any expenditure which has necessarily to be incurred in connection with any suits or appeals filed by or against, or decrees obtained by or against, the Co-operative Bank, or for realizing any amounts due to it ;

Provided that if the expenditure in respect of each such suit or appeal or decree is in excess of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred; and

(v) any expenditure on any other item in so far as it is in the opinion of the Co-operative Bank necessary for carrying on the day-to-day administration of the Co-operative Bank ;

Provided that where the total expenditure on any item in any calendar month exceeds the average monthly expenditure on account of that item during the six calendar months preceding the order of moratorium, or, where no expenditure has been incurred on account of that item during the said period and the expenditure on such item exceeds the sum of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before the expenditure is incurred.

3. The Central Government hereby also directs that, during the period of the moratorium granted to it, the Co-operative Bank—

(a) may make the following further payments, namely the amounts necessary for repaying loans or advances granted against Government securities or other securities to the Co-operative Bank by the Government of Karnataka or the Karnataka State Co-operative Apex Bank Ltd. or the State Bank of India or any of its subsidiaries or by any other bank and remaining unpaid on the date on which the order of moratorium comes into force ;

(b) may operate its accounts with the Karnataka State Co-operative Apex Bank Ltd., or with any other bank for the Purpose of making the payments aforesaid :

Provided that nothing in this order shall be deemed to require the Karnataka State Co-operative Apex Bank Ltd. or such other bank to satisfy itself that the conditions imposed by this order are being observed before any amounts are released in favour of the Co-operative Bank ;

(c) may return any bills which have remained unrealized to the persons entitled to receive them on a request being made in this behalf by such persons, if the Co-operative Bank has no right or title to, or interest in such bills;

(d) may release or deliver goods or securities which have been pledged, hypothecated or mortgaged or otherwise charged to it against any loan, cash credit or overdraft, in the manner and to the extent—

(i) in any case in which full payment towards all the amounts due from the borrower or borrowers, as the case may be, has been received by the Co-operative Bank, unconditionally; and

(ii) in any other case, to such an extent as may be necessary or possible, without reducing the proportions of the margins on the said goods or securities below the stipulated proportions, or the proportions which were maintained before the order of moratorium came into force whichever may be higher.

INDRANI SEN, Under Secy.

[No. 8(10)/81-AC]

नई दिल्ली, 15 जून, 1981

का०आ० 1859:—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड

(क) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री बी० के० चटर्जी को 19 जून, 1981 से प्रारम्भ होने वाली श्री 15 जुलाई, 1983 को समाप्त होने वाली प्रतिरिक्त अवधि के लिये, यूनाइटेड कमर्शियल बैंक के प्रबन्ध निदेशक के रूप में पुनः नियुक्त करती है।

[संख्या एक० 9/11/81-बी०आ०-I(1)]

New Delhi, the 15th June, 1981

S.O. 1859.—In pursuance of sub-clause (a) of clause 3, read with sub-clause (1) of clause 8, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby re-appoints Shri B. K. Chatterji as the Managing Director of the United Commercial Bank for a further period commencing on 9th June, 1981 and ending with 15th July, 1983.

[No. F. 9/11/81-BO. I(1)]

का०आ० 1860:—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 7 के साथ पठित खण्ड 5 के उपखण्ड (1) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री बी० के० चटर्जी को, जिन्हें 19 जून, 1981 से यूनाइटेड कमर्शियल बैंक के प्रबन्ध निदेशक के रूप में पुनः नियुक्त किया गया है, उसी तारीख से यूनाइटेड कमर्शियल बैंक के निदेशक बोर्ड के अध्यक्ष के रूप में नियुक्त करती है।

[संख्या एक० 9/11/81-बी०आ०-I(2)]

च० व० गीरचन्द्रानी, उप सचिव

S.O. 1860.—In pursuance of sub-clause (1) of clause 5, read with clause 7, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri B. K. Chatterji, who has been re-appointed as Managing Director of United Commercial Bank with effect from 19th June, 1981 to be the Chairman of the Board of Directors of the United Commercial Bank with effect from the same date.

[No. F. 9/11/81-BO. I(2)]

C. W. MIRCHANDANI, Dy. Secy.

सीमा शुल्क एवं कर्माध्यय उत्पादन शुल्क समाहर्तलिय

अहमदाबाद, 24 अप्रैल, 1981

का०आ० 1861.—केन्द्रीय उत्पादन शुल्क नियमावली, 1944 के नियम 5 के अधीन मुझे प्रदत्त शक्तियों का प्रयोग करते हुए एवं इस समाहर्तलिय की अधिसूचना सं० 1/1971-केन्द्रीय उत्पादन शुल्क दिनांक 1 अप्रैल, 1971 के अतिरिक्त में, मैं, वॉ० बी० कुमार समाहर्ता, सीमा शुल्क एवं केन्द्रीय उत्पादन शुल्क, अहमदाबाद, एतद्वारा केन्द्रीय उत्पादन शुल्क के उन अधिकारियों को, जो इसके साथ संलग्न विवरण के स्तंभ (3) में विनिर्दिष्ट पद से नीचे के न हों, उनको अपने संबंध क्षेत्राधिकार में उक्त विवरण के स्तंभ (1) व (2) की संगत प्रवृत्ति में विनिर्दिष्ट केन्द्रीय उत्पादन शुल्क नियमावली, 1944 के अधीन समाहर्ता की शक्तियों के स्वरूप को उक्त विवरण के स्तंभ (4) की संगत प्रवृत्तियों में विनिर्दिष्ट प्रतिबंधों के अधीन प्रयोग करने के लिए प्राधिकृत करता हूँ, अर्थात्—

विवरण

केन्द्रीय उत्पादन शुल्क नियम, 1944	प्रत्यायोजित शक्तियों का स्वरूप	जिसे प्रत्यायोजित की गई	प्रतिबंध
(1)	(2)	(3)	(4)
3.	प्राधिकृत व्यक्ति/अधिकारी का अनुमोदन	अधीक्षक	
9(1)	(i) वे स्थान जहाँ उत्पादन शुल्क योग्य भाल उत्पादित, संसाधित अथवा विनिर्मित होते हैं और इससे सम्बद्ध परिमरों को विनिर्दिष्ट करता	अनुज्ञापन प्राधिकारी	
	(ii) चालू खाता खोलने की अनुमति देना	अधीक्षक	
9(1क)	चालू खाते से रकम निकालना	सहायक समाहर्ता	समाहर्ता द्वारा निर्धारित कार्य-विधि के अधीन

(1)	(2)	(3)	(4)
9ख (3)	सामान्य बन्धपत्र की स्वीकृति और अतिरिक्त बन्धपत्र या अतिरिक्त प्रतिभूति के लिए मांग करना	सहायक समाहर्ता	
12क(3), (a) और (7)	सहाय/जानकारी/लेखा-पुस्तकें आदि संग्रह के लिए समाहर्ता की शक्ति का समाधान	वापसी (रिबेट) मंजूरी के लिए सक्षम अधिकारी	
13	व्यक्तिगत बन्ध-पत्र ख-1 (प्रतिभूति/प्रतिभू) का स्वीकार करना एवं ऐसे बन्ध पत्र के संबंध में नियति के मसूमे स्वीकार करना	अधीक्षक	
14	सामान्य बन्ध पत्र एवं नियति के मसूमे स्वीकार करना	सहायक समाहर्ता	
14क	नियति के सबूत प्रस्तुत करने में निष्कलता के लिए वृण्णीय कार्यवाही	ख-1 बन्ध पत्र स्वीकारकर्ता अधिकारी	
14क (ii)	आवास और नियति के लिए अनुमति अस्वीकार करने की शक्ति	उपसमाहर्ता	
14क (iii)	परस्तुक (ग) के अन्तर्गत शक्तियां	बन्ध पत्र स्वीकारकर्ता अधिकारी	
14ख (i)	(i) बन्ध पत्र की रकम के 50% तक की अधिक रकम निकालना	सहायक समाहर्ता	
14ख	(ii) बन्ध पत्र की रकम 75% तक की अधिक रकम निकालना	उप समाहर्ता	
14ख (2)	नियति अस्वीकार करने की शक्ति	उप समाहर्ता	
18(3)	प्रतिभूति जप्त कर की शक्ति	सहायक समाहर्ता	
27(1)	अनुज्ञापन, बन्ध पत्रों एवं अन्य गतों के संबंध में शक्तियां	अनुज्ञापन अधिकारी	
30	प्राथमिक ज्ञापन	उप समाहर्ता	
38	संग्रहण एवं पैकिंग के बाद अविनिमित्त उत्पाद के लिए खान का सुरक्षण	अनुज्ञापन प्राधिकारी	
43	नोटिस की प्राप्ति	अनुज्ञापन प्राधिकारी	
44	घोषणा संग्रहण की शक्ति	अनुज्ञापन प्राधिकारी	
46	चिह्नान के लिए आदेश देने की शक्ति	अनुज्ञापन प्राधिकारी	
47(1) ब (3)	अपेक्षारक्ष के लिए छूट का अनुमोदन	अनुज्ञापन प्राधिकारी	
48	बन्ध पत्र एवं प्रतिभूति	अनुज्ञापन प्राधिकारी	
50	गैर-उत्पाद शुल्क योग्य माल हटाने की अनुमति	अधीक्षक	
51क (1)	(i) बिजली के पंखे (ii) बैटरियां (iii) सीमेन्ट (iv) जली बस्तर (v) बीमी एवं बिजली के बल्ब की छोड़कर, शुल्क प्रवृत्त माल, पुनःनिर्माण परिष्करण, मरम्मत या फैक्ट्री में ऐसी सभ प्रक्रिया के उद्देश्य से फैक्ट्री में वापस लाए जाते हैं।	समाहर्ता या थोर्ड द्वारा निर्धारित कार्यविधि के अधीन	
(2)	जब शुल्क के भुगतान पर निकासी के बाद निर्माता के नियंत्रण के बाहर अप्राप्त्यक्षित हालातों जैसे कि संवाहक में अचानक खराब होने से वा गाड़ी के डिब्बों की अप्राप्त्यता आदि के कारण उक्त फैक्ट्री से माल सुरक्षित नहीं कराया जा सकता	अधीक्षक	
(3)	जब शुल्क के भुगतान पर निकासित माल, रेलवे की बुकिंग अचानक निवन्धित होने के कारण फैक्ट्री में वापस लाये जाते हैं	अधीक्षक	
(4)	जब शुल्क प्रवृत्त उत्पाद शुल्क योग्य माल परीक्षण, जांच, डिजाइन, रचना पद्धति आदि के लिए फैक्ट्री में वापस लाए जाते हैं।	अधीक्षक	

1	2	3	4
(5)	अतिप्रमन चीनी/सीमेन्ट परिष्करण पुनः संसाधन भावि के लिए फैक्ट्री में वापस लाई जाती है।	अधीक्षक	
(6)	जब विद्युत बैटरियां, पंखे एवं बिजली बल्ब, टायर, ट्यूब, अर्न्तदहन इंजन, मिश्रली में चलने वाली मोटरें बैतार संप्राप्ति सेट, प्रशीतन व वातानुकूलन उपकरण साइकिल, रिम एवं साइकिल के पूर्ण सम्पन्न, सुधार आदि के लिए फैक्ट्री में लाए जाते हैं।	अधीक्षक	
(7)	जब फुटकर बिथी या सम्मानार्थ धेट के रूप में वितरण के लिए फैक्ट्री परिसर में शुल्क प्रदान माल के अण्डारण की अनुमति दी जाती है।	अधीक्षक	
(8)	जब परेडिती द्वारा अस्वीकृत शुल्क प्रदत्त माल पुन वितरण के लिए फैक्ट्री में वापस आता है या अति प्रदत्त माल को अति की मात्रा निर्धारण के लिए एवं ऐसे माल के निपटान पर निर्णय लेने के लिए फैक्ट्री में लाए गए।	अधीक्षक	
(9)	जब शुल्क प्रदत्त माल, छूट के माल सहित फैक्ट्री में रोक दिया जाय/या निर्माण के उपयोग अन्य माल बाहर से लाए जाये या रखना या मरम्मत के लिए फैक्ट्री में आवश्यकता हो या साज सामान के उपयोग के लिए या उपकरण या अन्य किसी प्रयोजन के लिए जिससे ऐसे माल सामान्यतः उपभुक्त हों।	अधीक्षक	
(10)	अन्य प्रकार मामले	सहायक समाहर्ता	
52	निकासी के लिए आवेदन पत्र प्रस्तुत करने की समय-बधि कम करना	सहायक समाहर्ता	
52क	बिहित समय में गेट पास के स्थान पर निर्धारित के दस्तावेजों का स्वीकार करना	सहायक समाहर्ता	
53	जिस दिन कोई व्यवहार न हो उस दिन आर० जी० 1 में इस्तराज न करने के लिए विनिर्माता को अनुमति	अधीक्षक	
54	अन्य उत्पादों के लिए विवरणी मांगने की शक्तियां	उप समाहर्ता	
56क	(1) विनिर्माता के कार्यविधि का उपयोग करने की अनुमति देने की शक्ति	सहायक समाहर्ता	
	(2) अनुमति का अपनयन (वापस लेना)	उप समाहर्ता	
56ख	अनुमति प्रदान करना	सहायक समाहर्ता	
65(3)	न्याय पावती एवं बन्ध पत्र आवि	सहायक समाहर्ता	
ब(4)	बैड रोल की संख्या नियत करना;	अधीक्षक	
71(3)	लेबलों का अनुमोदन	सहायक समाहर्ता	
75	व्यवहार के लिए समय निर्धारण	सहायक समाहर्ता	
85	समाहर्ता द्वारा अधिकारी को सशक्त (अधिकार प्रदान) करना	संबंधित क्षेत्र की केन्द्रीय राज्य नियंत्रण रसायन शाला का मुख्य रसायनज्ञ प्रभारी	
92क(1)	विशेष कार्यविधि के लिए प्रथम आवेदनपत्र स्वीकारना	अधीक्षक सहायक समाहर्ता	निर्धारित अवधि के लिए निर्धारित अवधि से कम अवधि के लिए
92क(3)	प्रतिवारण की अवधि का अवका निश्चित करना	सहायक समाहर्ता	
92क(4)	(1) नवीकरण आवेदन मंजूर करना	अधीक्षक	
	(2) प्रतिवारण की अवधि माफ करना अवका निश्चित करना	अधीक्षक सहायक समाहर्ता	15 दिन तक 15 दिन से अधिक

1	2	3	4
92ब	शुल्क दायित्व परिकल्पन के लिए बन्धी की अवधि का बहिष्कार	सहायक समाहर्ता	
92(ब)(3)	अल्प कालिक अवधि के लिए नोटिस (सूचना) स्वीकार करना	अधीक्षक	
92ग(2)	माप्ताहिक जमा/आवेदन प्रस्तुत करने में विलम्ब को माफ करना	अधीक्षक	2 दिन तक माप्ताहिक जमा/आवेदन के संबंध में। 5 दिन तक मासिक जमा/आवेदन के संबंध में। उपर बतायी गयी अवधि के बाहर।
92ङ(3)	विशेष प्रक्रिया का उपयोग करना	उप समाहर्ता	
92च	विशेष प्रक्रिया के लिए आवेदन प्रस्तुत करने में असफलता को माफ करना	उप समाहर्ता	
93(ब)(3)	आवरण (रेपर) बाहरी आवरण अथवा लेबल का अनुमोदन	अधीक्षक	अनुमोदित नमूना सहायक समाहर्ता और समाहर्ता को भेजा जाया चाहिए।
96 ब	सामान्य बन्ध पत्र के लिए अनुमति और नवे बन्धपत्र/अति-रिक्त प्रतिभूति के लिए मांग करना	सहायक समाहर्ता	मण्डल क्षेत्र में स्थानांतरण के मामले में।
96 बघ			
96 ब			
96 बघ		उप समाहर्ता	मण्डल/समाहर्तालय के बाहर के स्थानांतरण के मामले में।
		अधीक्षक	सभी मामलों में बन्धपत्र स्वीकार करना।
96-अ(1)	विशेष प्रक्रिया आवेदन स्वीकार करना	अधीक्षक	
96-अ(2)	अल्प अवधि के लिए विशेष प्रक्रिया आवेदन स्वीकार करना	सहायक समाहर्ता	
96-अ(3)	प्रतिवारण अवधि निश्चित करना	सहायक समाहर्ता	
96-अ(4)	(1) विशेष प्रक्रिया आवेदन फार्म में नवीकरण आवेदन स्वीकार करना (2) प्रतिवारण अवधि माफ करना और/अथवा निश्चित करना	अधीक्षक अधीक्षक	15 दिन से अधिक का विलम्ब माफ करने के लिए। 15 दिन से अधिक का विलम्ब माफ करने के लिए।
96-र(2)	आवेदन प्रस्तुत करने में विलम्ब माफ करना	अधीक्षक	तिमाही आवेदन के मामले में दो दिन तक और वार्षिक आवेदन के मामले में 10 दिन तक। इसका अवधि की सीमा के बाहर।
96-ङ-ङ-ङ	विशेष प्रक्रिया आवेदन करने में असफलता माफ करना	उप समाहर्ता	
96-च(1)	विशेष-प्रक्रिया आवेदन स्वीकार करना	अधीक्षक	
96-ण(2)	अल्प अवधि के लिए विशेष प्रक्रिया आवेदन स्वीकार करना	सहायक समाहर्ता	
96-ण(3)	प्रतिवारण की अवधि निश्चित करना	सहायक समाहर्ता	
96-ण(4)	(i) विशेष प्रक्रिया आवेदन फार्म में नवीकरण आवेदन स्वीकार करना (ii) प्रतिवारण की अवधि माफ करना और/अथवा निश्चित करना	अधीक्षक सहायक	9 दिन से अधिक माफ करने के लिए 15 दिन से अधिक करने के लिए।

(1)	(2)	(3)	(4)
96-घ		सहायक समाहर्ता	15 दिन से अधिक विलम्ब माफ करने के लिए
96-घ(1)	परलुप्त अलग साप्ताहिक आवेदन की अनुमति देना	सहायक समाहर्ता	
96-घ(2)	जमा/आवेदन प्रस्तुत करने में विलम्ब माफ करना	अधीक्षक	साप्ताहिक आवेदन/जमा के मामले में एक दिन तक और मासिक/तिमाही आवेदन/जमा के मामले में दो दिन
		सहायक समाहर्ता	उक्त अवधि से बाहर
96-घ	विशेष प्रक्रिया के लिए आवेदन करने में असफलता माफ करना	उप-समाहर्ता	
96-म(1)	विशेष प्रक्रिया आवेदन का स्वीकार करना	अधीक्षक	
96-म(2)	अल्प अवधि के लिए विशेष प्रक्रिया आवेदन स्वीकार करना।	सहायक समाहर्ता	
96-म(3)	प्रतिवारण की अवधि निश्चित करना	सहायक समाहर्ता	
96-म(4)	(i) विशेष प्रक्रिया फार्म में नवीकरण आवेदन स्वीकार करना	अधीक्षक	
	(ii) प्रतिवारण अवधि माफ करना और/अथवा निश्चित करना	अधीक्षक	15 दिन से अधिक विलम्ब माफ करने के लिए
		सहायक समाहर्ता	15 दिन से अधिक विलम्ब माफ करने के लिए।
96-य(1)	आवेदन करने में विलम्ब माफ करना	अधीक्षक	5 दिन तक
		सहायक समाहर्ता	उक्त बताई गई अवधि से बाहर
96-ययय	विशेष प्रक्रिया आवेदन करने में असफलता को माफ करना	उप-समाहर्ता	
96-यज(1)	विशेष प्रक्रिया आवेदन स्वीकार करना	अधीक्षक	
96-यज(2)	अल्प अवधि के लिए विशेष प्रक्रिया आवेदन स्वीकार करना	सहायक समाहर्ता	
96-यज(3)	प्रतिवारण अवधि निश्चित करना	सहायक समाहर्ता	
96-यज(4)	(i) विशेष प्रक्रिया आवेदन फार्म नवीकरण आवेदन स्वीकार करना	अधीक्षक	
	(ii) प्रतिवारण अवधि माफ करना और/अथवा निश्चित करना	अधीक्षक	15 दिन से अधिक विलम्ब माफ करने के लिए
		सहायक समाहर्ता	15 दिन से अधिक विलम्ब माफ करने के लिए।
96-यझ(4)	अदायगी करने में विलम्ब और ढंग माफ करना	अधीक्षक	5 दिन तक
		सहायक समाहर्ता	उक्त अवधि से बाहर
96-यड	विशेष प्रक्रिया आवेदन करने में असफलता माफ करना	उप-समाहर्ता	
97 और 97-(क)	(i) वापसी की संजूरी और समाहर्ता का समाधान	सहायक समाहर्ता	
	(ii) माल की वापसी के लिए अवधि का विस्तार	उप-समाहर्ता	
100	शुल्क वापसी की समाहर्ता की शक्तियाँ	सहायक समाहर्ता	
140	(i) भाण्डागार का प्रबन्ध करने के लिए अनुज्ञापन और नये बन्धपत्र प्रतिभूति के लिए मांग करना	अनुज्ञापन प्राधिकारी	
	(ii) अनुकृति का प्रतिसंहारण और माल हटाने के लिए निवेश देना	सहायक समाहर्ता अथवा अनुज्ञापन प्राधिकारी यदि वह सहायक समाहर्ता से वरिष्ठ पद का हो	

(1)	(2)	(3)	(4)
145	तस्माकू को छोड़कर अन्य माल के भण्डागार अवधि अधीशक की बढ़ाने की शक्ति	सहायक समाहर्ता	नियम के खण्ड (क) के अंतर्गत नियम के खण्ड (ख) के अंतर्गत
153	बंधकाधीन माल का स्थानांतरण और बंधपत्र स्वीकारने की शक्ति	निरीक्षक	
154	अन्तर बंधकाधीन माल का संचालन की मंजूरी, बन्धपत्र स्वीकारना और नया बन्धपत्र/प्रतिभूति की मांग की शक्ति	अधीशक	
164	(i) व्यक्तिगत बन्धपत्र का निष्पादन (ii) सामान्य बन्धपत्र का निष्पादन और नया बन्धपत्र/प्रतिभूति, प्रतिभू की मांग	अधीशक सहायक समाहर्ता	
165(2)	अग्रिम अवयवी के लिए मांग	अधीशक	
169	भण्डागार रक्षक की नियुक्ति	उप-समाहर्ता	
173(1क)	घालू खाता में से राशि की निकासी की मंजूरी	सहायक समाहर्ता	समाहर्ता द्वारा निर्धारित की गई प्रक्रिया के अनुपालन के अधीन
173ख(2)(ii)	निर्धारित द्वारा गेटपास वार वर व शुल्क की राशि न बताने की अनुमति की शक्ति।	उप-समाहर्ता	
173(ड) और (ड)	(i) माल की वापसी की अवधि बढ़ाने की शक्ति (ii) समाहर्ता की अन्य शक्तियां	उप-समाहर्ता सहायक समाहर्ता	भण्डागारण के सम्बन्ध में शिथिलीकरण की मंजूरी समाहर्ता द्वारा दी जायेगी।
173(ड)(5)	बन्धपत्र की शर्तें	अधीशक	
183(ड)(6)	पुनः भण्डागारण प्रमाणपत्र के लिए समय बढ़ाने की शक्ति	उप-समाहर्ता	
173(ण)(1)	(i) मार्का निर्धारण की शक्ति (ii) अल्प अवधि में उचित अधिकारी को पैकेजों का प्रस्तुतिकरण	सहायक समाहर्ता अधीशक	
180	अनुज्ञा में परिवर्तन अथवा प्रतिस्थापन	अनुज्ञापन प्राधिकारी	
185	(i) किसी अन्य प्रकार से मार्का लगाने की अनुमति की शक्ति (ii) पैकेजों का प्रस्तुतीकरण के लिए अल्प अवधि निर्धारण करने के लिए समाहर्ता की शक्ति	सहायक समाहर्ता अधीशक	
189 189-क 189-ख	घन वापसी मंजूर करने की शक्ति	सहायक समाहर्ता समाहर्ता	
191	(i) फार्मुला (सूत्र) का अनुमोदन और रियायत का प्रस्था- हरण (ii) प्रतिस्थापन व्यय तय करना और रियायत अस्वीकृति की शक्तियों को छोड़कर समाहर्ता की अन्य शक्तियां	उप-समाहर्ता सहायक समाहर्ता	
191-क	तीन माह से अधिक अवधि बढ़ाना (उप नियम) (7) प्रतिभूति का अपवर्तन (उप नियम) (12) फार्मुला की मंजूरी	उप-समाहर्ता	
	उप नियम (7ख) और (16) के अंतर्गत और रियायत अस्वीकृति की शक्तियों को छोड़कर समाहर्ता की अन्य शक्तियां	सहायक समाहर्ता	
191-ख	(i) फार्मुला की मंजूरी (ii) उपनियम (4क) के अंतर्गत शक्तियों, रियायत की अस्वीकृति और प्रतिस्थापन व्यय को छोड़कर समाहर्ता की अन्य शक्तियां	उप-समाहर्ता सहायक समाहर्ता	

(1)	(2)	(3)	(4)
192	(i) अनुमति मंजूर करने की शक्ति	परिहार अधिसूचना में विनिर्दिष्ट अधि-कारी	
	(ii) अनुज्ञप्ति जारी करने और बन्धनपत्र की राशि और प्रतिभूति निश्चित करने की शक्ति	अनुज्ञापन प्राधिकारी	
193	वैकिंग का दंग	सहायक समाहर्ता	
196	(i) रियायत वापस लेना	उप-समाहर्ता	
	(ii) प्रतिभूति का अपवर्तन और अन्य दण्डनीय (पेनल) कार्यवाही	न्यायनिर्णय करने वाला सक्षम अधिकारी	
206 (3)	(i) बन्धनपत्र और प्रतिभूति पर अभिग्रहित बाहन (व्हीकल) की अनंतिम रिहाई	सहायक समाहर्ता अथवा सहायक समाहर्ता से निम्न पद का अधिनिर्णयन प्राधिकारी	
	(ii) बन्धनपत्र और प्रतिभूति पर अभिग्रहित माल की अनंतिम रिहाई	अधिनिर्णयन अधिकारी	
210-क	अपराध संयोजन और शुल्क संयोजन शुल्क तय करने की शक्ति	उप-समाहर्ता	मूल्य-अर्द्धमित संयोजन फॉस प्रति मामले में रुपये 1500/- से अधिक नहीं
		(ii) सहायक समाहर्ता	मूल्य रु० 5000/- संयोजन शुल्क रु० 750/-
		(iii) अधीक्षक	मूल्य रु० 1000/- संयोजन शुल्क रु० 250/-
212	(i) जप्त माल की बिक्री	सहायक समाहर्ता अथवा अधिनिर्णयन प्राधिकारी यदि सहायक समाहर्ता से निम्न पद का हो	
	(ii) जप्त माल मष्ट करना	माल बट्टेखाले डालने/माल के मूल्य/शुल्क को परिहार करने के लिए सक्षम अधिकारी	
212-क	भाण्डागारण शुल्क की भवायगी	अधिनिर्णयन अधिकारी	
222	नया घोषणापत्र मांगने की शक्ति	उप-समाहर्ता	
223-क	वार्षिक स्टॉक मिलान	सहायक समाहर्ता	
224-(1)	निश्चित घण्टों के बाव और छट्टियों में माल वितरण के लिए अनुमति	अधीक्षक	
227	माप, तोल और तुला मशीन इत्यादि की व्यवस्था	सहायक समाहर्ता	
228	(1) कार्यालय स्थान के लिए अपेक्षा करने की शक्ति	सहायक समाहर्ता	
	(2) निवास स्थान के लिए अपेक्षा करने की शक्ति	उप-समाहर्ता	
230	माल, प्लांट और मशीनरी इत्यादि का अवरोध	सहायक समाहर्ता	

[अधिसूचना सं० 2/1981/सं० आई०बी/16-49/एम०पी/81]

CUSTOMS AND CENTRAL EXCISE COLLECTORATE

Ahmedabad, the 24th April, 1981

CENTRAL EXCISES

S.O. 1861.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944 and in supersession of this Collectorate notification No. 1/1971-Central Excise dated 1st April, 1971, I, B.V. Kumar, Collector of Customs and Central Excise, Ahmedabad hereby authorise the Central Excise officers not below the rank specified in Column (3) of the Statement hereto annexed, to exercise within their respective jurisdiction the nature of powers of the Collector under the Central Excise Rules, 1944 specified in the corresponding entry in Columns (1) and (2) of the said statement subject to the limitations specified in the corresponding entries in Column (4) thereof, namely :—

STATEMENT

Central Excise Rules, 1944	Nature of power delegated	Officer to whom delegated	Limitations
1	2	3	4
3	Approval of authorised person/agent	Superintendent	
9 (1)	(i) Specifying places where excisable goods are produced, cured or manufactured and premises appertenant thereto. (ii) Permission to open account current	Licensing Authority. Superintendent	
9(1A)	Withdrawal of amount from account current	Assistant Collector	Subject to procedure prescribed by the Collector.
9B(3)	Acceptance of general bond and demand for additional bond or additional security	Assistant Collector	
12A(3)(6) & (7)	Satisfaction of Collector power to call for evidence/information/books of account etc.	Officer Competent to grant rebate	
13	Acceptance of individual Bond B.1 (Security/Surety) and acceptance of proof of export in respect of such bond.	Superintendent	
14.	Acceptance of general bond and proof of export.	Assistant Collector	
14A	Penal Action for failure to produce proof of export.	officer accepting B.1 Bond.	
14A	(ii) Power to refuse permission to make further export. (iii) Power under proviso (C)	Deputy Collector Officer accepting the bond.	
14B(1)	(i) Over-drawal upto 50% of the bond amount (ii) Over-drawal upto 75% of the bond amount	Assistant Collector Deputy Collector	
14B(2)	Power to refuse further export.	Deputy Collector	
18(3)	Power to forfeit Security	Assistant Collector	
27(1)	Power regarding licensing, bonds and other conditions.	Licensing Authority.	
30	Preliminary weighment	Deputy Collector	
38	Securing accommodation for unmanufactured products after curing and packing	Licensing Authority	
43	Receipt of notice	Licensing Authority	
44	Power to require declaration.	Licensing Authority	
46	Power to require making	Licensing Authority	
47 (1) & (3)	Exemption for approval of storeroom	Licensing Authority	
48	Bond and Security	Licensing Authority	
50	Permission to remove non-excisable goods	Superintendent	

1	2	3	4
51A	<p>(1) When duty paid goods except (i) Electric Fans (ii) Batteries (iii) Cement (iv) Woolen Fabrics (v) Sugar and (vi) Electric Bulbs are returned to the factory for being remade, refined, reconditioned or subjected to any similar process in the factory.</p> <p>(2) When after clearance of payment of duty, the goods cannot immediately be removed from the factory due to unforeseen circumstances beyond the manufacturer's control, like sudden breakdown of the carrier or non-availability of wagons etc.</p> <p>(3) Where goods cleared on payment of duty are brought back into the factory due to sudden suspension of booking on Railways.</p> <p>(4) When duty paid excisable goods are brought back into the factory for test, studying designs, method of construction etc.</p> <p>(5) Damage Sugar/Cement brought back to the factory for refining, reprocessing etc.</p> <p>(6) Electric batteries, Fans and Electric Bulbs, tyres, Tubes, Internal combustion Engine, Electric Motors, Wireless receiving sets, Refrigerating and Air-conditioning Appliances, Cycles rims & Cycle parts brought into the factory for repair, reconditioning etc.</p> <p>(7) When duty paid goods are allowed to be stored in the factory premises for retail sale or issue as complimentary gifts.</p> <p>(8) When duty paid goods refuse by the consignee are returned to the factory for re-distribution or damage goods are brought into the factory to ascertain the extent of damage and to decide the disposal of such goods.</p> <p>(9) When duty paid goods, including exempted goods are retained in/or brought into the factory from outside for use in the manufacture of other goods or are required in the factory for construction or repair or for use as fittings, or equipment or for any other purposes for which such goods are normally consumed.</p> <p>(10) Other type of cases</p>	<p>Superintendent</p> <p>Superintendent</p> <p>Superintendent</p> <p>Superintendent</p> <p>Superintendent</p> <p>Superintendent</p> <p>Superintendent</p> <p>Superintendent</p> <p>Superintendent</p> <p>Assistant Collector</p>	<p>Subject to the procedure prescribed by the Collector or Board</p>
52	Reduction in time limit for putting in application for removal.	Assistant Collector	
52A	Acceptance of assessor's documents in lieu of gate pass in prescribed form.	Assistant Collector.	
53	Permission to manufacturer not to make entries in R.G. 1 on date when there is no transaction.	Superintendent	

1	2	3	4
54	Power to require return for other Products.	Deputy Collector.	
56A	(i) Power to permit a manufacturer to avail of the procedure (ii) Withdrawal of permission	Assistant Collector Deputy Collector	
56B	Grant of permission	Assistant Collector	
65(3)	Trust receipt and bond etc.	Asstt. Collector	
& (4)	Fixing number of bandorols	Superintendent	
71(3)	Approval of labels	Assistant Collector	
75	Prescribing hours for transaction	Assistant Collector	
85	Officer to be empowered by the Collector.	Chief Chemist/In-charge Central Revenue Control Laboratory of the respective area.	
92A(1)	Power to accept first A.S.P.	Superintendent Assistant Collector	For the prescribed period For a period less than the prescribed one.
92A(3)	To condone or determine the period of preclusion etc.	Assistant Collector	
92A(4)	(i) Acceptance of renewal application (ii) To condone or determine the period of preclusion etc.	Superintendent Superintendent Assistant Collector	Upto 15 days Beyond 15 days.
92B	Exclusion of the period of closure for purposes of computing duty liability	Assistant Collector.	
92B (3)	Accepting notice for shorter period	Superintendent.	
92C(2)	To condone delay in weekly deposits/submission of application	Superintendent. Assistant Collector	Upto 2 days in respect of weekly deposits/application upto 5 days in respect of monthly deposits/application. Beyond the period mentioned above.
92E(iii)	To debar availing of special procedure.	Deputy Collector.	
92F	To condone failure to apply for special procedure	Deputy Collector	
93(b)	(iii) Approval of wrapper, outer covering or labels.	Superintendent	Approved specimen to be sent to Assistant Collector and Collector
96—D } 96—D1 } 96—E } 96—EE }	Permission for general bond and demands for fresh bond/additional security	Assistant Collector Deputy Collector Superintendent	In case of removal within the division. In case of removal outside the division/Collectorate. Acceptance of bond in all cases.
96—1(1)	To accept A.S.P.	Superintendent	
96—I(2)	To accept A.S.P. for shorter period.	Assistant Collector	
96(I)(3)	To determine period of preclusion	Assistant Collector	
96—I(4)	(i) to accept renewal application in form A.S.P. (ii) to condone and/or determine the period of preclusion	Superintendent Superintendent Assistant Collector	For condoning delay not exceeding 15 days For condoning delay exceeding 15 days.

(1)	(2)	(3)	(4)
96—K(2)	To condone delay in making the application.	Superintendent	upto two days in case of quarterly application and 10 days in case of annual application.
		Assistant Collector	Beyond above limits.
96—MMM	To condone failure to apply for special procedure.	Deputy Collector	
96—0(1)	To accept A.S.P.	Superintendent	
96—0(2)	To accept A.S.P. for shorter period.	Assistant Collector	
96—0(3)	To determine period of preclusion.	Assistant Collector	
96—0(4)	(i) to accept renewal application in form A.S.P.	Superintendent	
	(ii) to condone and/or determine the period of preclusion	Superintendent	for condoning delay not exceeding 15 days
		Assistant Collector	For condoning delay exceeding 15 days.
96—Q(1) Proviso	To permit separate weekly application.	Assistant Collector	
96—Q(2)	To condone delay in making application/ deposit.	Superintendent	upto one day in case of weekly application/deposit and two days in case of monthly/ quarterly application/deposits.
		Assistant Collector	Beyond above limits.
96—U	To condone failure to apply for special procedure.	Deputy Collector	
96—Y(1)	To accept A.S.P.	Superintendent	
96—Y(2)	To accept A.S.P. for shorter period.	Assistant Collector	
96—Y(3)	To determine period of preclusion.	Assistant Collector	
96—Y(4)	(i) to accept renewal application in form A.S.P.	Superintendent	
	(ii) to condone and/or determine the period of preclusion.	Superintendent	For condoning delay not exceeding 15 days.
		Assistant Collector	For condoning delay exceeding 15 days.
96—Z(2)	To condone delay in making application.	Superintendent	up to 5 days
		Assistant Collector	Beyond above limits.
96—ZZZZ	To condone failure to apply for special Procedure.	Deputy Collector	
96—ZH(1)	To accept A.S.P.	Superintendent	
96—ZU(2)	To accept A.S.P. for shorter period.	Assistant Collector	
96—ZU(3)	To determine period of preclusion.	Assistant Collector	
96—ZU(4)	(i) to accept renewal application in form A.S.P.	Superintendent	
	(ii) to condone and/or determine the period of preclusion.	Superintendent	For condoning delay not exceeding 15 days.
		Assistant Collector	For condoning delay exceeding 15 days.
96—ZI(4)	To condone manner of and delay in making payment.	Superintendent	up to 5 days.
		Assistant Collector	Beyond above limits.
96—ZM	To condone failure to apply for special procedure.	Deputy Collector	
97&97—A	(i) Grant of refund and satisfaction of Collector.	Assistant Collector	
	(ii) Extension of period for return of the goods.	Deputy Collector	

(1)	(2)	(3)	(4)
100	Collector's powers to refund duty.	Assistant Collector.	
140	(i) Licensing to provide warehousing and demand for a fresh bond/security (ii) Revocation of license and direction for removal of goods.	Licensing Authority Assistant Collector or Licensing Officer if he is senior in rank to the Asstt. Collector.	
145	Power to extend warehousing period of goods other than tobacco	Superintendent Assistant Collector	Under clause (a) of the rule. Under clause (b) of the rule.
153	Power to allow in-bond movement and acceptance of bond.	Inspector	
154	Power to allow in-bond movement of goods, acceptance of bond and demand for fresh bond/security.	Superintendent	
164	(i) Execution of individual bond. (ii) Execution of general bond and demand for fresh bond/security surety.	Superintendent Assistant Collector	
165(2)	Demand for advance payment	Superintendent	
169	Appointment of Warehouse-keeper.	Deputy Collector	
173(1A)	Permission to withdraw amount from account current.	Assistant Collector	Subject to observance of the procedure prescribed by the Collector.
173G(2)(II)	Power to permit assessee not to show rate and amount of duty on gate pass.	Deputy Collector	
173 (L) & (M)	(i) Power to extend the period for return of goods. (ii) Collector's other powers.	Deputy Collector. Assistant Collector.	Relaxation regarding storage be granted by the Collector.
173(N)(5)	Conditions of bond.	Superintendent	
173(N)(6)	Powers to extend time for rewarehousing certificate.	Deputy Collector	
170(O)(1)	(i) Power to prescribe marks. (ii) Presentation of packages to proper officer within shorter period.	Assistant Collector Superintendent	
180	Alteration or substitution of licence.	Licensing Authority.	
185	(i) Power to permit marketing in any other manner. (ii) Collector's power to prescribe shorter period for presentation of packages.	Assistant Collector Superintendent	
189 189—A 189—B }	Power to sanction refund	Assistant Collector	
191	(i) Approval of formula and withdrawal of concession. (ii) Other powers of the Collector except power to fix establishment cost and refuse concession.	Deputy Collector Assistant Collector	
191—A	Extension of time beyond three months [sub-rule (7)] Forfeiture of security [sub-rule (12)] Approval of formula	Deputy Collector	
	Other powers of the Collector except powers under sub-rules (7A) & (16) and refusal of concession.	Assistant Collector	
191—B	(i) Approval of Formula (ii) All other powers except powers under sub-rule (4A), refusal of concession and establishment cost.	Deputy Collector Assistant Collector	

(1)	(2)	(3)	(4)
192	(i) Power to grant permission (ii) Power to issue licence, and fixing bond amount and security.	Officers mentioned in the remission notification Licencing Authority	
193	Manner of packing.	Assistant Collector.	
196	(i) Withdrawal of concession (ii) Forfeiture of security and other penal action.	Deputy Collector. Officer competent to adjudicate	
206(3)	(i) Provisional release of seized vehicles on bond and security. (ii) Provisional release of seized goods on bond and security.	Assistant Collector or the Adjudicating officer lower in rank to the Assistant Collector. Adjudicating officer	
210—A	Power to compound an offence and fix compounding fee.	(i) Deputy Collector (ii) Assistant Collector (iii) Superintendent	Value without limit. Compounding fee, not exceeding Rs. 1500 in each case. Value—Rs. 5000 : Compounding Fee Rs. 750 Value—Rs. 1000 : Compounding Fee Rs. 250.
212	(i) Sale of confiscated goods. (ii) Destruction of confiscated goods.	Assistant Collector or the Adjudicating Officer if lower in rank to the Assistant Collector. Officer competent to write off/Remission value/duty of the goods.	
212—A	Payment of storage charges	Adjudicating Officer	
222	Power to require a new declaration	Deputy Collector	
223—A	Annual stock-taking	Assistant Collector	
224(1)	Permission to deliver goods beyond fixed hours and on holidays.	Superintendent	
227	Provision for scales, weights and weighing machines etc.	Assistant Collector	
229	(i) Power to require office accommodation. (ii) Power to require residential accommodation.	Assistant Collector. Deputy Collector	
230	Detention of goods, plant and machinery etc.	Assistant Collector	

[Notification No. 2/1981/No. IV/16-49/MP/8 1

ग्रहमवाबाद, 15 जून, 1981

कां० 1862.—सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 2 की उपधारा 34 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए सीमा शुल्क एवं केन्द्रीय उत्पादन शुल्क, ग्रहमवाबाद के समाहर्ता द्वारा जिन्हें केन्द्रीय उत्पादन शुल्क समाहर्ता ग्रहमवाबाद के कार्यक्षेत्र के अन्तर्गत सीमा शुल्क समाहर्ता के रूप में नियुक्त किया गया है, नीचे दी गई अनुसूची के स्तम्भ 1 में उल्लिखित पद के अधिकारियों और इससे उच्च पद के अधिकारियों को सीमा शुल्क अधिनियम, 1962 की विभिन्न धाराओं में उल्लिखित "उचित अधिकारी" के कार्य सौंपे जाते हैं; अधिनियम की इन विभिन्न धाराओं का उल्लेख उक्त अनुसूची के स्तम्भ 2 में संगत प्रवृत्ति में किया गया है।

344GI/81—4

अनुसूची

1	2
निरीक्षक, सीमा शुल्क एवं केन्द्रीय उत्पादन शुल्क।	28(1), 145.

यह अधिसूचना दिनांक 15-6-1981 से प्रभावी 14-6-1981 की मध्यराति से प्रभावी होगी।

[सीमा शुल्क संख्या 3/1981/सं० VIII/48-14/सी० शु०-तक०/81]

बी० बी० कुमार, समाहर्ता

Ahmedabad, the 15th June, 1981

S.O. 1862:—In exercise of the powers conferred by sub-section 34 of Section 2 of the Customs Act, 1962 (52 of 1962), the Collector of Customs & Central Excise, Ahmedabad having been appointed as Collector of Customs within the jurisdiction of the Ahmedabad Central Excise Collectorate, hereby assigns to the Officers of and above the rank of the Officers mentioned in Column 1 of the Schedule below, the functions of the "Proper Officer" referred to in the various sections of the Customs Act, 1962 given in the corresponding entry in column 2 of the said schedule.

SCHEDULE

(1)	(2)
Inspector of Customs and Central Excise.	28 (1), 145.

This notification takes effect from 15-6-1981, i.e. from the mid-night of 14-6-1981.

[Customs No. 3/1981 No. VIII/48-14/Cus-Tech/81]
B. V. KUMAR, Collector

वाणिज्य मंत्रालय

नई दिल्ली, 4 जुलाई, 1981

का०आ० 1863.—निर्यात (कालटी निर्यात और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा से० डा० आर० सी० अमीन (पोत भार अधीक्षक तथा सर्वोच्च), 25-40-4 गंगुबारी स्ट्रीट, बिशाखापत्तनम को छात्रक सोड्रे के निरीक्षण के लिये अधिकरण के रूप में और आगे एक वर्ष की अवधि के लिये मान्यता देती है।

[सं० 5(2)/75 वि०नि० तथा नि०उ०]
सी० सी० कुकरेती, संयुक्त निदेशक

MINISTRY OF COMMERCE

New Delhi, the 4th July, 1981

S.O. 1863.—In exercise of the powers conferred by Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government hereby recognises for a further period of one year M/s. Dr. R. C. Amin

शुद्धि-पत्र

नई दिल्ली, 17 जून, 1981

का०आ० 1865.—पेट्रोलियम और खनिज पार्श्वप्लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) के अन्तर्गत भारत सरकार पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) द्वारा जारी अधिसूचना का०आ० सं० 57 संख्या 12020/19/90-प्र०- दिनांक 17-12-80 के संलग्न अनुसूची में भारत सरकार के राजपत्र भाग II खंड 3 उपखंड ii विभाग 3-1-81 में प्रकाशित तद्वर्ती प्राप्ति जितना करना

के स्थान पर						पे		
नाम ग्राम	खसरा नं०	क्षेत्रफल			खसरा नं०	क्षेत्रफल		
		हेक्टर	ऐयर	वर्ग मी०		हेक्टर	ऐ०	वर्ग मी०
डोडपुर	254 मिन	0	00	76	254/1 मिन	0	00	76
ह०न० 75								
पामीपत तरा: राजपुतान	698 "	0	00	76	698/2 "	0	00	76
ह०न० 18	1156 "	0	15	18	1156/1 "	0	08	32
					1156/2 "	0	08	35
	1520 "	0	00	00	1520/1 "	0	00	00
	1525 "	0	03	79	1525/2 "	0	03	79
	1539 "	0	15	18	1539/1 "	0	01	26
					1539/2 "	0	03	29
					1539/3 "	0	10	63

(Cargo Superintendents and Surveyors) 25-40-4, Gangulvari Street, Visakhapatnam as an agency for the inspection of Iron-Ores.

[No. 5(2)/75-EI&EP]

C. B. KUKRETI, Jt. Director

पेट्रोलियम, रसायन और उर्वरक मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 9 जून, 1981

का०आ० 1864.—सार्वजनिक परिसर (अनधिकृत दखल कारों को बेवखल करना) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रवृत्त किये गये अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार इण्डियन पेट्रो-कैमिकल्स कारपोरेशन लिमिटेड, डाक घर पेट्रो-कैमिकल्स, जिला बड़ोदा (गुजरात) के भूमि अधिकारी को एतद्वारा उक्त अधिनियम के प्रयोजन के लिये एक संपदा अधिकारी के रूप में नियुक्त करती है जो सरकार के एक राजपत्रित अधिकारी के दर्जे के बराबर होता है, जो उक्त कारपोरेशन के प्रशासनिक नियंत्रणाधीन सार्वजनिक परिसरों के संबंध में उक्त अधिनियम के द्वारा प्रयुक्त अन्तर्गत संपदा अधिकारी को प्रदत्त किये गये अधिकारों तथा निर्धारित किये गये कर्तव्यों का पालन करेगा।

[फाईल सं० 30027/7/78-पी० सी० III]

पी० पी० गुप्त, उप सचिव

MINISTRY OF PETROLEUM, CHEMICALS AND FERTILIZERS

(Department of Petroleum)

New Delhi, the 9th June, 1981

S.O. 1864.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Land officer, Indian Petrochemicals Corporation Limited, P.O. Petrochemicals District Baroda (Gujarat), being an officer equivalent to the rank of gazetted officer of Government, to be estate officer for the purpose of the said Act who shall exercise the powers conferred and perform the duties imposed, on estate officers by or under the said Act, in respect of public premises under the administrative control of the said Corporation.

[F. No. 30027/7/78-PC.III]

P. P. GUPTA, Dy. Secy.

1	2	3	4	5	6	7	8	9
	1532 मिन	0	01	77	1532/2 मिन	0	01	77
	1561 „	0	10	88	1561/1 „	0	10	88
	1864 „	0	01	77	1864/2 „	0	01	77
पानीपत तरफ हस्तार	1735 „	0	00	00	—	—	—	—
	1744 „	0	03	04	1744 „	0	06	83
	5612/1745 मिन	0	04	30	5612/1745 „	0	06	83
	5613/1746 „	0	07	08	5613/1746 „	0	05	82
	2346 मिन	0	00	76	—	—	—	—
	2347 „	0	02	53	2347 „	0	00	76
पानीपत तरफ हस्तार	0 मिन	0	00	00	5611/1723 मिन	0	08	10
ह०न० 12	0 „	0	00	00	5648/1825 „	0	02	53
मोहम्मदपुर	610 „	0	07	84	610/1 मिन	0	07	84
ह०न० 15								
कछरोली	11/1 मिन	0	10	12	11/1/1 „	0	06	07
ह०न० 1					11/1/2 „	0	04	05
	11/10 „	0	10	12	11/10/1 „	0	06	58
					11/10/2 „	0	03	54

[सं० 12020/19/80-प्र०]

CORRIGENDA

New Delhi, the 17th June, 1981

S.O. 1865.—In the Schedule appended to the notification of the Government of India, Ministry of Petroleum, Chemicals and Fertilizers (Department of Petroleum) S.O. No. 57 No. 12020/19/80-Prod dated 17th December, 1980, issued under sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of right of user in land) Act, 1962 (50 of 1962) published at pages 38—51 dated the 3rd January, 1981 of the Gazette of India, Part II Section 3, sub-section (ii) for Panipat Tehsil, District Karnal.

FOR					READ				
Name of Village	Khasra No.	H	A	Sq. M	Khasra No	H	A	Sq M	
1	2	3	4	5	6	7	8	9	
<u>DHODHPUR</u>									
H.NO.75	254 Min	0	00	76	254/1 Min	0	00	76	
PANIPAT	698 Min	0	00	76	698/2 Min	0	00	76	
<u>TARAF</u>									
RAJPUTAN	1156 Min	0	15	18	1156/1 Min	0	06	32	
					1156/2 Min	0	08	85	
	1520 Min	0	00	00	1520/1 Min	0	00	00	
	1525 Min	0	03	79	1525/2 Min	0	03	79	
	1532 Min	0	01	77	1532/2 Min	0	01	77	
	1539 Min	0	15	18	1539/1 Min	0	01	26	
					1539/2 Min	0	03	29	
					1539/3 Min	0	10	63	
	1561 Min	0	10	88	1561/1 Min	0	10	88	
	1864 Min	0	01	77	1864/2 Min	0	01	77	
<u>PANIPAT</u>									
<u>TARAFANSAR</u>									
	1735 Min	0	00	00	— —	—	—	—	
	1744 Min	0	03	04	1744 Min	0	06	83	
	5612/1745 Min	0	04	30	5612/1745 Min	0	06	83	
	5613/1746 Min	0	07	08	5613/1746 Min	0	05	82	
	2346 Min	0	00	76	—	—	—	—	
	2347 Min	0	02	53	2347 Min	0	00	76	
	—	—	—	—	5611/1723 Min	0	08	10	
	—	—	—	—	5648/1725 Min	0	02	53	

1	2	3	4	5	6	7	8	9
MAHMADPUR								
H : No. 15	610 Min	0	07	84	610/1 Min	0	07	84
KACHHROLI	11/1 Min	0	10	12	11/1/1 Min	0	06	07
H.NO. 1					11/1/2 Min	0	04	05
	11/10 Min	0	10	12	11/10/1 Min	0	06	58
					11/10/2 Min	0	03	54

[No. 12020/19/80 Prod]

क्र०मा० 1866.—पेट्रोलियम और खनिज पार्सिपलेशन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) के अन्तर्गत भारत सरकार, पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) द्वारा अधिसूचना क्र० मा० सं० 57 संख्या 12020/19/80-प्रो० दिनांक 17-12-80 के संलग्न अनुसूची में भारत सरकार के राजपत्र के भाग II, खंड 3 उपखंड ii दिनांक 3-1-1981 में प्रकाशित तहसील पानीपत जिला करनाल।

के स्थान पर					पक्ष			
क्षेत्रफल					क्षेत्रफल			
नाम ग्राम	खसरा नं०	हेक्टर ऐयर वर्ग मी०			खसरा नं०	हेक्टर ऐयर वर्ग मी०		
1	2	3	4	5	6	7	8	9
अलकाता	75/1/1 मिन	0	01	01	75/1/2 मिन	0	01	01
ह०न० 118	114/195 „	0	02	02	195 „	0	02	02
	114/223 „	0	00	51	223 „	0	00	51
	114/224 „	0	00	51	224 „	0	00	51
	114/225 „	0	00	51	225 „	0	00	51
	114/260 „	0	00	76	260 „	0	00	76
	114/329 „	0	00	51	329 „	0	00	51
किवाता	119 „	0	03	24	119 „	0	03	29
ह०न० 78								
अलकाता	117/175 „	0	02	53	175 „	0	02	53
ह०न० 76	117/264 „	0	00	51	264 „	0	00	51
	117/702 „	0	00	76	702 „	0	00	76
	117/703 „	0	00	76	703 „	0	00	76
बीवाता	47/7 „	0	00	76	47/7/1 „	0	00	76
ह०न० 33								
हस्ताली	31/110 मिन	0	06	32	110 मिन	0	06	32
ह०न० 36	31/131 मिन	0	05	56	131 „	0	05	56
सिवाह	18/2 „	0	03	29	113/18/2 „	0	03	29
ह०न० 32								
महाराता	5/5 „	0	00	25	6/5 मिन	0	00	25
ह०न० 29								
	5/7 „	0	06	32	6/7 „	0	06	32
	62/5 „	0	09	35	62/5 „	0	09	36
	62/6 „	0	18	36	62/6 „	0	10	37

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	62/26 मिन	0	00	51	63/20 मिन	0	00	51
	62/21 "	0	07	84	63/21 "	0	07	84
	15/20/2 "	0	04	81	65/20/2 "	0	04	81
पानीपत तरफ राजपुतान	1524 "	0	07	36	1524 "	0	09	36
ह०न० 16	1576 "	0	03	71	1576 "	0	03	79
	1948 "	0	05	82	1947 "	0	05	82
	1979 "	0	03	04	1997 "	0	03	04
सिकन्दरपुर	59/299 "	0	00	76	299 "	0	00	76
ह०न० 19								
कावडी	29/12 "	0	09	39	29/12 "	0	09	36
ह न० 18								
कच्छरोभी	रास्ता बिना नम्बर	0	10	77	रास्ता बिना नम्बर	0	01	77
ह०न० 1								

[सं० 12020/19/80-प्रो०]

टी० एन० परमेश्वरन, भवन सचिव

S.O. 1866.—In the Schedule appended to the notification of the Government of India, Ministry of Petroleum, Chemicals and Fertilizers (Department of Petroleum) S.O. No. 57 No. 12020/19/80-Prod dated 17th December, 1980, issued under sub-section (i) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of right of user in land) Act, 1962 (50 of 1962) published at pages 38—51 dated the 3rd January, 1981 of the Gazette of India Part II, Section 3, Sub-section (ii) for Panipat Tehsil, District Karnal.

Name of Village	FOR				READ			
	Khasra No.	H	A	Sq.M	Khasra No	H	A	Sq.M
1	2	3	4	5	6	7	8	9
DHODHPUR								
H.No. 75	23/17 Min	0	09	11	23/19 Min	0	09	11
	59/15 Min	7	10	12	59/15 Min	0	10	12
MANANA	90/23 Min	0	04	81	—	—	—	—
H.NO. 76	90/2/2 Min	0	07	50	—	—	—	—
NARAINA	22/1/2 Min	0	04	05	—	—	—	—
H. NO. 74	22/2 Min	0	07	08	—	—	—	—
HARTALI	31/110 Min	0	06	32	110 Min	0	06	32
H.NO.36	31/131 Min	0	05	56	131 Min	0	05	56
SIWAH								
H.NO.32	146/209 Min	0	01	26	—	—	—	—
PANIPAT TARAF								
RAJPUTAN								
H.NO. 16	1524 Min	0	07	36	1524 Min	0	09	36

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
PANIPAT	3101 Min	0	07	61	3101 Min	0	09	61
TARAF INSAR								
H. NO. 12								
KABRI	42/2/1 Min	0	09	16	42/2/1 Min	0	09	61
H.NO. 18	736 Min	0	00	00	736 Min	0	00	76
KACHHROLI	Rasta Without	0	00	00	Rasta without	0	01	77
H.NO.1	Khasra No.				Khasra No.			

[No. 12020/19/80 Prod]

T. N. PARAMESWARAN, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 18 जून, 1981

का०शा० 1867.—यतः भारतीय नर्सिंग परिषद अधिनियम, 1947 (1947 का 48) की धारा 3 की उपधारा (1) के खंड (ग) के अनुसरण में राज्य सभा ने 7 मई, 1981 को हुई अपनी बैठक में अपने सदस्यों में से श्रीमती हमीदा हबीबुल्लाह को भारतीय नर्सिंग परिषद का सदस्य निर्वाचित किया है।

अब अतः उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार इसके द्वारा भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की एक दिनांक, 1958 की अधिसूचना संख्या एक 27/57/57-ख० 2(ख) में आगे और निम्नलिखित संशोधन करती है, नामतः

उक्त अधिसूचना में "धारा-3 की उपधारा (1) के खंड (ग) के अधीन निर्वाचित" शेषक के अन्तर्गत मद संख्या 3 और हमसे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जायें।

"3. श्रीमती हमीदा हबीबुल्लाह,
सदस्य, राज्य सभा,
79-81, नार्थ एवेन्यू,
नई दिल्ली।"

[संख्या बी० 14013/1/81-पी एम एस]

बी०के० चक्रवर्ती, प्रवर सचिव

**MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)**

New Delhi, the 18th June, 1981

S.O. 1867.—Whereas in pursuance of clause (o) of sub-section (1) of section 3 of the Indian Nursing Council Act, 1947 (48 of 1947), the Council of States (Rajya Sabha) has at its sitting held on the 7th May, 1981, re-elected from amongst its members Shrimati Hamida Habibullah to be a member of the Indian Nursing Council;

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. F. 27—57/57-MH(B), dated the 1st December, 1958, namely:—

In the said notification, under the heading "Elected under clause (o) of sub-section (1) of section 3", for Item 3 and the entries relating thereto, the following shall be substituted, namely:—

"3. Shrimati Hamida Habibullah,
Member of Rajya Sabha,
79-81, North Avenue,
New Delhi."

[No. V. 14013/1/81-PMS]

B. K. CHAKRABORTY, Under Secy.

नौवहन और परिवहन मंत्रालय

(नौवहन पल)

नई दिल्ली, 17 जून, 1981

का०शा० 1868.—बीपवर अधिनियम, 1927 (1927 का 17) की धारा 4 की उपधारा (1) का अनुसरण करते हुए केन्द्रीय सरकार एतद्द्वारा दो वर्षों की अवधि के लिये बीपवरों के लिये केन्द्रीय सलाहकार समिति नियुक्त करती है जिसमें निम्नलिखित व्यक्ति होंगे, अर्थात्:—

1. सचिव, नौवहन और परिवहन पते: मंत्रालय सदस्य
2. नौ-सलाहकार, भारत सरकार जहाज संयोजन भवन, बालचंद हीराचंद मार्ग, बम्बई-400001
3. मुख्य जल-सर्वेक्षक, भारत सरकार यशोवत मोसेना जल सर्वेक्षण कार्यालय, पोस्ट बाक्स नं० 75, देहरादून-248001
4. श्री डी० बी० खोना, मैसर्स देवर्णा भारतीय वाणिज्य एवं उद्योग भानजी खोना, पोस्ट बाक्स नं० मंडल मंत्र के प्रतिनिधि। 650, कोचीन-682003
5. श्री एस० रे, मार्फत मेकीनन मेकेन्सी एंड कंपनी प्राइवेट लिमिटेड, शरजी बल्लभवास मार्ग, पोस्ट बाक्स नं० 122, बम्बई- भारतीय वाणिज्य एवं उद्योग संबंध मंत्र के प्रतिनिधि।
6. कैप्टेन बी० आर० राव, उप समुदाय अधीक्षक, सिंधिया स्टीम नेवीगेशन कंपनी लिमिटेड, सिंधिया हाउस, बालादे स्टेट, बम्बई-400038 इंडियन नेशनल शिपमोर्स एसो-सिएशन के प्रतिनिधि।
7. कैप्टेन बी० सुब्रह्मण्यम, तकनीकी प्रबंधक शिपिंग कारपोरेशन प्राइवेट लिमिटेड, शिपिंग हाउस, 245, मैडम कामा रोड, बम्बई-400021 इंडियन नेशनल शिपमोर्स एसोसिएशन के प्रतिनिधि।

8. श्री प्रेमजी भाई बी० खोशारी, अध्यक्ष- पश्चिमी तट के लिए पालपोत
निक महासंजी, फेडरेशन आफ आल जलयान कंपनियों के प्रति-
इंडिया सैलिंग वेसल्स इंडस्ट्री एसो- निधि।
सिएशन, बम्बर रोड, पोरबन्दर
(गुजरात)
9. श्री सी० आर्द० आर० मानवन्धो. पूर्वी तट के लिए पालपोत जल-
अध्यक्ष, पि ट्टीकोरिन सैलिंग वेसल्स यान कंपनियों के प्रतिनिधि
ओनर्स एसोसिएशन, बीच रोड, ट्टी-
कोरिन (तमिलनाडु)
10. श्री बी० आर० केतकर. उप संरक्षक, इंडियन पोर्ट्स एसोसिएशन के
बम्बई, पल्लन न्याम, बम्बई प्रतिनिधि।
11. कैप्टेन जे० एस० नाम्बा, 74, जेकसन कंपनी आफ मास्टर मैरीनर्स
हाउस, दुमायने रोड, बम्बई आफ इंडिया के प्रतिनिधि।
4000051
12. विलीय सलाहकार, नौवहन और पदेन
परिवहन मंत्रालय
13. दीपघर और दीपपोत महा निदेशक पदेन (सदस्य सचिव)

[संख्या : एम डब्ल्यू/एस एल ई-60/80]

MINISTRY OF SHIPPING AND TRANSPORT (Shipping Wing)

New Delhi, the 17th June, 1981

S.O.1868.—In pursuance of sub-section (1) of section 4 of the Lighthouse Act, 1927 (No. 17 of 1927), the Central Government hereby appoints for a period of two years a Central Advisory Committee for Light houses, consisting of the following persons, namely :—

Chairman

1. Secretary,
Ministry of Shipping and Trans-
port

Ex-Officio.

Members

2. Nautical Adviser to the Govern-
ment of India, Jahaz Bhavan,
Walchand Hirachand Marg,
Bombay-400001.

-do-

3. Chief Hydrographer to the Go-
vernment of India, Naval Hydro-
graphic Office, Post Box No. 75,
Dehra Dun-248001.

-do-

4. Shri D.B. Khona, M/s. Devshi —Representative of the
Bhanji Khona, Post Box No. Federation of Indian
650, COCHIN-682003. Chambers of Commer-
& Industry.
5. Shri S. Ray, C/o Mackinnon —Representative of the
Mackenzie and Company Pvt. Associated Chambers
Ltd. Shoorji Vallabhadas Marg, of Commerce & In-
P.O. Box No. 122, Bombay. dustry of India.
6. Capt. B.R. Rao, Dy. Marine Su- —Representative of the
perintendent, Scindia Steam Na- Indian National Ship-
vigation Company Ltd., Scindia owners' Association.
House, Ballard Estate, Bombay-
400038.
7. Capt. V. Subramanian, Techni- —Representative of the
cal Manager, Shipping Corpora- Indian National Ship-
tion of India Ltd., Shipping owners' Association.
House, 245, Madame Cama Road, Bombay-400021.

8. Shri Premjibhai V. Khakhari, —Representative of the
Hon. General Secretary, Fede- Sailing Vessels Inter-
ration of All India Sailing Vessels ests for West Coast.
Industry Association, Bunder
Road, Porbander (Gujarat).
9. Shri C.I.R. Manchando, Presi- —Representative of the
dent, The Tuticorin Sailing Vessels Sailing Vessels Interests
Owners' Association, Beach for East Coast.
Road, Tuticorin (Tamil Nadu).
10. Shri V.R. Katkar, Deputy Con- —Representative of the
servator, Bombay Port Trust, Indian Ports Associa-
Bombay. tion.
11. Capt. J.S. Lamba, 74, Jackson —Representative of the
House, Dumayne Road, Bom- Company of Master
bay-400005. Mariners of India.
12. Financial Advisor, Ministry of —Ex-officio.
Shipping and Transport.
13. Director General of Lighthouses —Ex-officio (Member-
and Lightships. Secretary)
[No. SW/LLE-60/80]

नई दिल्ली, 19 जून 1981

क्रा० आ० 1869.—दीपघर अधिनियम, 1927 (1927 का 17) की धारा 2 खण्ड (ग) द्वारा प्रबल शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के प्रयोजनार्थ निम्नलिखित दीपघरों को "सामान्य दीपघर" घोषित करती है, अर्थात् :—

1. रैकन-डारिका प्वाइंट दीपघर।
2. अगथी दीपघर।
3. बूरन रीफ दीपघर।
4. कवरत्ती दीपघर।
5. माऊट डेली दीपघर।
6. मनाकुर दीपघर।
7. कीचीन दीपघर।
8. पांडिचेरी दीपघर।
9. किलकुरई दीपघर।
10. उमरगांव दीपघर।
11. कृष्णपटनम दीपघर।
12. पांडिचेरी रेडियो बैचकन।

[फाइल सं०-1डी(18)/78]

बी० एन० शर्मा, अधर सचिव

New Delhi, the 19th June, 1981

S.O. 1869.—In exercise of the powers conferred by clause (c) of section 2 of the Lighthouse Act, 1927 (17 of 1927), the Central Government hereby declares the following light-houses to be general lighthouses for the purposes of the said Act, namely :—

1. Racon at Dwarka Point Lighthouse.
2. Agathi Lighthouse.
3. Bural Reef Lighthouse.
4. Kavaratti Island Lighthouse.
5. Mount Dely Lighthouse.
6. Manacur Lighthouse.
7. Cochin Lighthouse.
8. Pondicherry Lighthouse.
9. Kilakkarai Lighthouse.
10. Umargaon Lighthouse.
11. Krishnapatnam Lighthouse.
12. Pondicherry Radio Beacon.

[File No. 1-D(18)/78]

V. N. SHARMA, Under Secy.

निर्माण और आवास मंत्रालय

नई दिल्ली, 12 जून, 1981

का०आ० 1870.—सरकारी स्थान (अप्रामाणिक अधिकारियों की वेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, लोक सभा के अध्यक्ष से परामर्श करने के पश्चात्, एतद्वारा निम्न सारणी के कालम (1) में उल्लिखित अधिकारी को, सरकार का राजपत्रित अधिकारी होने के नाते, उक्त अधिनियम के प्रयोजन हेतु सम्पदा अधिकारी नियुक्त करती है, जो उक्त सारणी के कालम (2) की तत्संबंधी प्रविष्टि में निर्धारित सरकारी स्थानों की श्रेणियों के संबंध में उक्त अधिनियम द्वारा प्रदत्त शक्तियों का प्रयोग करेगा अथवा उसके अधीन सम्पदा अधिकारियों को सौंपे गये कार्यों का निष्पादन करेगा :

राजपत्रित अधिकारी	सरकारी स्थानों की श्रेणियाँ
(1)	(2)
मुख्य कार्यालय तथा कार्यकारी अधिकारी, लोक सभा सचिवालय।	1. संसद भवन सम्पदा। 2. स्थान, जो केन्द्रीय सरकार द्वारा सरकारी स्थान (अप्रामाणिक अधिकारियों की वेदखली) संशोधन अधिनियम 1980 (1980 का 61) के लागू होने से पूर्व अथवा पश्चात् लोक सभा सचिवालय के नियंत्रण में, उस सचिवालय के किसी भी कर्मचारी को रिहायशी आवास उपलब्ध कराने के लिये दिए गए हैं।

स्पष्टीकरण : इस अधिसूचना के प्रयोजन हेतु "संसद भवन सम्पदा" में सम्मिलित हैं :—

- (क) संसद भवन, संसदीय सोध तथा बाह्य स्वागत कार्यालय के आसपास के सभी भवन, संरचना, संस्थापनायें, लान तथा खाली भूमि; और
- (ख) प्लॉट नं० 118 (रेड क्रॉस रोड, रायसीना रोड तथा संसद भवन के बीच) और प्लॉट नं० 115 (ताल कटोरा रोड, पन्त मार्ग तथा संसद भवन के बीच) जो अध्यक्ष के नियंत्रण में हैं।

[मिसिल सं० 21012(1)/81-मी०4]
राम स्वरूप सूब, संपदा उप निदेशक (नीति)

MINISTRY OF WORKS AND HOUSING

New Delhi, the 12th June, 1981

S.O. 1870.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government, after consultation with the Speaker of the Lok Sabha, hereby appoints the Officer mentioned in column (1) of the Table below, being a gazetted officer of Government, to be estate officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act in respect of the categories of public premises specified in the corresponding entry in column (2) of the said Table:—

Gazetted Officer	Categories of Public premises
(1)	(2)
Chief Personnel and Executive Officer, Lok Sabha Secretariat.	1. Parliament House Estate.

1

2

2. Premises which have been placed by the Central Government, whether before or after the commencement of the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1980 (61 of 1980), under the control of the Lok Sabha Secretariat for providing residential accommodation to any member of the staff of that Secretariat.

Explanation:—For the purposes of this notification 'Parliament House Estate' includes:—

- (a) all buildings, structures, installations, lawns and vacant land adjoining Parliament House, Parliament House Annexe and outer Reception Office; and
- (b) Plot No. 118 (between Red Cross Road, Raisina Road and Parliament House) and Plot No. 115 (between Talkatora Road, Pant Marg and Parliament House), which are under the control of the Speaker.

[File No. 21012 (1)/81-Pol. IV]

R. S. SOOD, Deputy Director of Estates.

पूर्ति और पुनर्वास मंत्रालय

(पुनर्वास विभाग)

नई दिल्ली, 9 जून, 1981

का०आ० 1871.—निष्कांत सम्पत्ति प्रशासन अधिनियम, 1950 (1950 का 31) की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा बिहार सरकार, राजस्व व भूमि सुधार विभाग, पटना के उप सचिव श्री निर्मलेन्द्र चटर्जी को, उनके अपने कार्यों के अतिरिक्त, उक्त अधिनियम के द्वारा अथवा उसके अधीन अधिरक्षक को सौंपे गए कार्यों का निष्पादन करने के लिए बिहार राज्य में स्थित निष्कांत सम्पत्तियों के संबंध में अपर अधिरक्षक, निष्कांत सम्पत्ति, के रूप में नियुक्त करती है।

इससे अधिसूचना सं० 1(6)/वि०स०/81-एस०एस०-II (ए०), दिनांक 16 अप्रैल, 1981 का अधिक्रमण किया जाता है।

[सं० 1(8)/वि०स० 81-एस०एस०-II(i)]

MINISTRY OF SUPPLY AND REHABILITATION

(Department of Rehabilitation)

New Delhi, the 9th June, 1981

S.O. 1871.—In exercise of the powers conferred by sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints Shri Niralendu Chatterjee, Deputy Secretary to the Government of Bihar, Revenue and Lands Reforms Department, Patna, as Additional Custodian of Evacuee Property, in addition to his own duties, for the purpose of discharging the duties imposed on the Custodian by or under the said Act in respect of evacuee properties in the State of Bihar.

2. This supersedes Notification No. 1(6)/Spl. Cell/81-SS. II(A), dated the 16th April, 1981.

[No. 1(6)/Spl. Cell/81-SS. II(i)]

का०आ० 1872.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग

करने हुए केन्द्रीय सरकार इसके द्वारा विहार सरकार, राजस्व व भूमि सुधार विभाग, पटना के उप सचिव श्री निर्मलेंद्र चटर्जी को, उप सचिव के रूप में उनके अपने कार्यों में प्रतिष्ठित, बिहार राज्य में स्थित मुद्रावला पूव की भूमि और सम्पत्तियों के संबंध में, उक्त अधिनियम की अधीन व उसके द्वारा बंदोबस्त आयुक्त को सौंपे गए कार्य का निष्पादन करने के लिए, बंदोबस्त आयुक्त के रूप में नियुक्त करती है।

2. इसमें अधिसूचना सं० 1(6)/वि०नं०/81-एस०एस०-II (बी) दिनांक 16 अप्रैल, 1981 का अधिश्रमण किया जाता है।

[सं० 1(6)/वि०नं०/81-एस०एस०-II(ii)]

S.O. 1872.—In exercise of the powers conferred by Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Nirmalendu Chatterjee, Deputy Secretary to the Government of Bihar, Revenue and Lands Reforms Department, as Settlement Commissioner for the purpose of performing in addition to his own duties as Deputy Secretary, the functions assigned to a Settlement Commissioner by or under the said Act, in respect of lands and properties forming part of the Compensation Pool within the State of Bihar.

2. This supersedes Notification No. 1(6)/Spl. Cell/81-SS-II(B) dated the 16th April, 1981.

[No. 1(6)/Spl. Cell/81-SS-II(ii)]

नई दिल्ली, 12 जून 1981

का०आ० 1873.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा पुनर्वास विभाग के सहायक बंदोबस्त आयुक्त, श्री जिले सिंह को सहायक बंदोबस्त आयुक्त के रूप में उनके अपने कार्यों के अतिरिक्त, उक्त अधिनियम के अधीन, तथा उसके द्वारा बंदोबस्त आयुक्त को सौंपे गए कार्यों का निष्पादन करने के लिए, बंदोबस्त आयुक्त के रूप में नियुक्त करती है।

[सं० 1(2)/वि०नं०/81-एस०एस०-II]

एस०एस० बाधवानी, श्रवर भक्ति

New Delhi, the 12th June, 1981

S.O. 1873.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Zile Singh, Assistant Settlement Commissioner, Department of Rehabilitation, as Settlement Commissioner for the purpose of performing, in addition to his own duties as Assistant Settlement Commissioner, the function assigned to a Settlement Commissioner by or under the said Act.

[No. 1(2)/Spl. Cell./81-SS-II]

N. M. WADHWANI, Under Secy.

श्रम मंत्रालय

आदेश

नई दिल्ली, 30 मई, 1981

का०आ० 1874.—केन्द्रीय सरकार की राय है कि उपाखण्ड अनुसूची में त्रिनिदिष्ट विषय के बारे में सिंगरेनी कोलियरीज का० लि०, बेलमपल्ली के प्रबंधक से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री बी० प्रसादा राव होंगे, जिसका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

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अनुसूची

यथा सिंगरेनी कोलियरीज वर्कर्स यूनियन, बेलमपल्ली की श्री विंगरी चिना मल्लैया और 18 अन्य (अनुसूची के अनुसूच) का निर्माण करने की मांग स्थापित है यदि हा, तो कर्मकार किन प्रस्ताव के हकदार हैं ?

1. शर्व श्री विंगरी चिना मल्लैया
2. ,, चिन्का विंगर्या
3. ,, सोनिगल राजम
4. ,, अकुला रामास्वामी
5. ,, थटीकोया कोंडा राजम
6. ,, थंडरा भूमैया
7. ,, कनकम स्वामी
8. ,, मनपल्ली फलैया
9. ,, थेटा मल्लैया
10. ,, कुकला पुल्लैया
11. ,, के० गोपाल राव
12. ,, थुरी विंगर्या
13. ,, चे दीवल्ली सक्षमैया
14. ,, ई० वीरमल्लैया
15. ,, रेवल्ली हगुलू
16. ,, सामला विरपति
17. ,, एमरला भूमैया
18. ,, एस० मलेश
19. ,, जंकुला रामास्वामी

[सं० एस०-21011(19)/80डी-IV(बी)]

एस०एस० मेहता, डैस्क अधिकारी

MINISTRY OF LABOUR

ORDER

New Delhi, the 30th May, 1981

S.O. 1874.—Whereas the Central Government is of opinion that as industrial dispute exists between the employees in relation to the management of Singareni Collieries Co. Ltd., Balampalli and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri B. Prasada Rao shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the demand of the Singareni Collieries Workers Union, Balampalli for regularisation of Shri Vingari China Mallaiyah and 18 others (as per annexure) is justified? If so, to what relief are the workmen entitled?

ANNEXURE

1. S/Shri Vingari China Mallaiyah
2. Chikka Lingaiyah
3. Sonigalal Rajam

4. Akula Ramaswamy
5. Thatikonda Rajan
6. Thandra Bhoomaiah
7. Karakam Swamy
8. Manopalli Phshaiah
9. Theta Mallaiah
10. Kukula Pullaiah
11. K. Gopal Rao
12. Burra Lingaiah
13. Chedipalli Laxaiah
14. E. Veerabhadraiah
15. Repalli Haguloo
16. Samala Thirupathi
17. Ennirala Bhbomaiah
18. G. Mallesh and
19. Jakkula Rayamailoo.

[No. L-21011(19)/80-D.IV(B)]
S. S. MEHTA, Desk Officer

आवेश

नई दिल्ली, 6 जून, 1981

का० आ० 1875—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में विशाखापत्तनम पोर्ट ट्रस्ट, विशाखापत्तनम के प्रबंधन से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

[और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री बी० प्रसादा राव होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

विशाखापत्तनम पोर्ट ट्रस्ट के प्रबंधन की अपने लिपिक-वर्गीय कर्मचारियों को, 6 जनवरी, 1980 के लिए जो लोक सभा निर्वाचन के लिए छुट्टी का दिन घोषित किया गया था, एक दिन की प्रतिष्ठित मजदूरी देने से इन्कार करने की कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किस अनुसूची के हकदार हैं?

[सं० एल-34011(2)/81-डी (5)(ए)]

नन्द लाल, डेस्क अधिकारी

ORDER

New Delhi, the 6th June, 1981

S.O. 1875.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Visakhapatnam Port Trust, Visakhapatnam and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri B. Prasada Rao shall be the Presiding Officer with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the management of Visakhapatnam Port Trust, in denying to their ministerial staff one day's extra wages for the 6th January,

1980, holiday declared for Lok Sabha elections, is justified? If not, to what, relief are the concerned workmen entitled?

[No. L-34011(2)/81-D.V(A)]
NAND LAL, Desk Officer

नई दिल्ली, 18 जून, 1981

का० आ० 1876—केन्द्रीय सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (ग) के अनुसूचन में श्री बी० शंकरन के स्थान पर डा० आई० डी० बजाज, महा-निदेशक, स्वास्थ्य सेवा, भारत सरकार को कर्मचारी राज्य बीमा निगम में सदस्य के रूप में नामनिर्दिष्ट किया है;

अतः, अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसूचन में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 850(अ), दिनांक 21 अक्टूबर, 1980 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, "[केन्द्र सरकार द्वारा धारा 4 के खण्ड (ग) के अधीन नामनिर्दिष्ट]" शीर्षक के नीचे महु 6 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

"डा० आई० डी० बजाज,

महानिदेशक, स्वास्थ्य सेवा,

भारत सरकार, नई दिल्ली "।

[संख्या यू-16012/7/81-एन० आई०]

New Delhi, the 18th June, 1981

S.O. 1876.—Whereas the Central Government has in pursuance of clause (c) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Dr. I. D. Bajaj, Director General of Health Services as a member of the Employees' State Insurance Corporation, in place of Dr. B. Sankaran;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 850(E), dated the 21st October, 1980, namely:—

In the said notification, under the heading "[Nominated by the Central Government under clause (c)]" entry shall be substituted, namely:—

"Dr. I. D. Bajaj,

Director General of Health Services,

Government of India,

New Delhi."

[No. U-16012/7/81-HI]

नई दिल्ली, 20 जून, 1981

का० आ० 1877—केन्द्रीय सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 8 के खण्ड (ख) के अनुसूचन में डा० बी० शंकरन के स्थान पर डा० आई० डी० बजाज, महा-निदेशक, स्वास्थ्य सेवा, को कर्मचारी राज्य बीमा निगम में स्थायी समिति का सदस्य के रूप में नामनिर्दिष्ट किया है;

अतः, अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 8 के अनुसूचन में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 966(अ), दिनांक 13 दिसम्बर, 1980 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, "केन्द्र सरकार द्वारा धारा 8 के खण्ड (ख) के अधीन नामनिर्दिष्ट" शीर्षक के नीचे मद्र संख्या 4 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

"डा० आई० डी० बजाज,
महानिदेशक, स्वास्थ्य सेवा,
भारत सरकार,
नई दिल्ली"।

[संख्या यू-16012/7/81-एच० आई०]

एन० बी० चावला, उप सचिव

New Delhi, the 20th June, 1981

S.O. 1877.—Whereas the Central Government has, in pursuance of clause (b) of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Dr. I. D. Bajaj, Director General of Health Service, as a member of the Standing Committee of the Employees' State Insurance Corporation, in place of Dr. B. Sankaran;

Now, therefore, in pursuance of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 966(E), dated 13th December, 1980, namely:—

In the said notification, under the heading "[Nominated by the Central Government under clause (b) of section 8]" for the entry against item 4, the following entry shall be substituted, namely:—

"Dr. I. D. Bajaj,

Director General of Health Services,
Government of India,
New Delhi."

[No. U-16012/7/81-H.I.]

N. B. CHAWLA, Dy. Secy.

नई दिल्ली, 20 जून, 1981

आदेश

का० आ० 1878—इससे उपबद्ध अनुसूची में विनिर्दिष्ट औद्योगिक विवाद श्री एम० श्रीनिवास राव, पीठासीन अधिकारी, औद्योगिक अधिकरण, हैदराबाद के समक्ष लंबित है।

और श्री एम० श्रीनिवास की सेवाएं उपलब्ध नहीं हैं।

अतः, केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33-ख की उपधारा (1) के साथ पठित धारा 7-क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री बी० नीलावरी राव होंगे और जिनका मुख्यालय हैदराबाद में होगा तथा उक्त श्री एम० श्रीनिवास राव, पीठासीन अधिकारी, औद्योगिक अधिकरण हैदराबाद के समक्ष लंबित उक्त विवाद से सम्बद्ध कार्यवाही को वापस लेती है और उसे श्री बी० नीलावरी राव पीठासीन अधिकारी, औद्योगिक अधिकरण हैदराबाद को इस निर्देश के साथ अस्तित्व में रखती है कि उक्त अधिकरण उसी प्रकार से आगे कार्यवाही करेगा, जिस पर वह उसे अस्तित्व की जाए और विधि के अनुसार उसका निपटारा करेगा।

अनुसूची

क्रम०	आवेदन सं० और तारीख	विषय
सं०		
1.	एल० 42012(26)/77-डी० II(बी) तारीख 21 फरवरी, 1981	श्रीमती श्री० एच० अन्नम्मा श्रीमती यू० ईस्टरम्मा, श्रीमती बी० एम० सम्पूर्ण और श्रीमती जे० वेक्याम्मा की सेवाओं को समाप्त करने के बारे में भारतीय खाद्य निगम, तेलुगुविगडम (पूर्व गोरापेट जिला) और उनके कर्मकार।

[संख्या एल-42012(26)/77-डी० II(बी)]

एम० एम० अन्ना, डेस्क अधिपति

ORDER

New Delhi, the 20th June, 1981.

S.O. 1878.—Whereas the Industrial dispute specified in the Schedule here to annexed is pending before Shri M. Srinivasa Rao, Presiding Officer, Industrial Tribunal, Hyderabad;

And whereas the services of Shri M. Srinivasa are not available;

Now, therefore, in exercise of the powers conferred by section 7A read with sub-section (1) of the section 33-B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, the Presiding Officer of which shall be Shri V. Neeladuri Rao with headquarters at Hyderabad and withdraws the proceedings in relation to the said dispute pending before the said Shri M. Srinivasa Rao Presiding Officer, Industrial Tribunal Hyderabad and transfers the same to Shri V. Neeladuri Rao, Presiding Officer, Industrial Tribunal, Hyderabad with the direction that the said Tribunal shall proceed with the proceedings from the stage at which this is transferred to it and dispose of the same according to law.

SCHEDULE

Sr. No.	Number and date of the order	Subject
1.	L-42012(26)/77-D.II.B. dated the 21st February, 1981	Food Corporation of India, Tadepalligudem (E.G. District) and their workmen over termination of services of Smt. C.H. Anamma; Smt. U. Easteramma; Smt. B M. Sampurna; and Smt. J. Venkyamma.

[No.L-42012(26)/77-D.II(B)]

S. S. BHALLA, Desk Officer

नई दिल्ली, 22 जून, 1981

का० आ० 1879—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उपखण्ड (6) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 129 तारीख 23 दिसम्बर, 1980 द्वारा दिल्ली मिल

स्कीम का उक्त अधिनियम के प्रयोजनों के लिए 23 दिसम्बर, 1980 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्र सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः, अब औद्योगिक विवाद अधिनियम, 1917 (1947 का 14) की धारा 2 के खण्ड (द) के उपखण्ड (6) के परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 23 जून, 1981 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० एम-11017/14/81-डी० 1 (ए)]

New Delhi, the 22nd June, 1981

S.O. 1879.—Whereas the Central Government having been satisfied that the public interest as required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 129 dated the 23rd December, 1980 the Delhi Milk Scheme to be a public utility service for the purposes of the said Act, for a period of six months, from the 23rd December, 1980 ;

And whereas, the Central Government is of opinion that public interest required the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 23rd June, 1981.

[F. No. S-11017/14/81-DIA)]

आवेश

का० आ० 1880—भारत सरकार के तत्कालीन श्रम, रोजगार और पुनर्वास मंत्रालय श्रम और रोजगार विभाग की अधिसूचना संख्या का० आ० 2747 तारीख 6 दिसम्बर, 1966 द्वारा गठित औद्योगिक अधिकरण जबलपुर के पीठासीन अधिकारी का पद रिक्त हुआ है,

अतः, अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14), की धारा 8 के उपबन्धों के अनुसरण में केन्द्रीय सरकार श्री एस० आर० व्यास को 6 जून, 1981 से उक्त औद्योगिक अधिकरण के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[का० न० एम०-11020/5/81-डी० 1 ए.(I)]

ORDERS

S.O. 1880.—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Industrial Tribunal, Jabalpur, constituted by the notification of the Government of India in the then Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2747 dated the 6th September, 1966 ;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri S. R. Vyas, as the Presiding Officer of the said Industrial Tribunal with effect from the 6th June, 1981.

[F. No. S-11020/5/81-D.I.A.(i)]

का० आ० 1881—भारत सरकार के तत्कालीन श्रम रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 441 तारीख 29 जनवरी, 1965 द्वारा गठित श्रम न्यायालय, जबलपुर के पीठासीन अधिकारी का पद रिक्त हुआ है।

अतः, अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबन्धों के अनुसरण में कम्प्लाय सरकार एम० आर० व्यास को 6 जून, 1981 से उक्त श्रम न्यायालय के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[का० न० एम०-11020/5/81-डी० I-ए.(II)]

एल० के० नारायणन, अवर सचिव

S.O. 1881.—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Labour Court, Jabalpur, constituted by the notification of the Government of India in the then Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 441 dated the 29th January, 1965;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Sri S. R. Vyas as the Presiding Officer of the said Labour Court with effect from the 6th June, 1981.

[F. No. S-11020(5)/81-D.I.A.(ii)]

L. K. NARAYANAN, Under Secy.

New Delhi, the 22nd June, 1981

S.O. 1882.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in the industrial dispute between the employers in relation to the management of Manganes Ore (India) Limited, Nagpur and their workmen, which was received by the Central Government on the 11th June, 1981.

BEFORE SHRI A. G. QURESHI, M. A., LL. B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M. P.).

CASE No. CGIT/LC (R) (18)/1980

PARTIES :

Employers in relation to the management of Manganes Ore (India) Limited, Nagpur and their workmen represented by the Union, Rashtriya Manganes Mazdoor Sangh (INTC), Ukwa Branch, P. O. Ukwa, Distt. Balaghat (M. P.).

APPEARANCES :

For Union Shri S. K. Rao, Advocate.

For Management Shri P. S. Nair, Advocate.

INDUSTRY : Manganes DISTRICT : Balaghat (M. P.)

AWARD

By Notification No. L-27011/2/79 D. III. B dated 6th March-1980 the Government of India in the Ministry of Labour exercising power conferred under Sec. 10 (1) (d) has referred the following dispute to this Tribunal, for adjudication :—

"Whether the demand of the Rashtriya Manganes Mazdoor Sangh (INTUC), Ukwa Branch, for fixing the following 12 ore checkers in skilled category from their existing semi-skilled category and payment of difference of wages with retrospective effect is justified ? If so, what relief the 12 ore checkers are entitled to?"

List of Names

1. Shri Sewakram Nanaji.
2. Shri Mahasingh Mangal.
3. Shri Surendra Jagdish.
4. Shri Udela Somaji.
5. Shri Kanakdas Punu.
6. Shri Issac Sunher.
7. Shri Alit Kaldar.

8. Shri Rupchand Soranaji.
9. Shri Jai Masih Minu.
10. Shri Hemraj Bholaram.
11. Shri Balchand Hemraj.
12. Shri Sheodayal Baisakhu.

2. The case of the Union in short is that the concerned workmen are working as Ore Checkers in the Ukwa Mine of the management. They are actually working as clerks in the mine, but are being paid the wages of semi-skilled workmen. Actually they are entitled to get the wages of the skilled workmen. Their work mainly involves entering the names of the labourers in the attendance register and marking their attendance, recording the work of the workmen in the work register, recording the bad dust rock, crude ore in the work register and get it loaded in the carts, recording the progress of the work done by the contract labourer, recording the pay of the piece rated and time rated workers in form 4 register, maintaining the record of the stock of ores in the register. In addition to this they are also required to do miscellaneous clerical work and they have to send the reports to the superior officers of the aforesaid work daily and monthly. Therefore all the workmen should be categorised as skilled workmen and they should be paid the difference in wages.

3. The management has resisted the claim of the Union on the grounds that the Ore Checkers are not doing the work as has been alleged by them in the statement of claim. The nature of the duties entrusted to these employees is supervision of unskilled workmen. Each checker is incharge of a small group of workers in the mine. They keep a watch on the attendance of the workers. The checkers also keep the record of the ore etc. Produced by the piece rated workers. This of course involves some writing work but it is not more than maintaining a diary in which he enters the quantity of ore etc. produced by the piece rated workers every day. This book is passed on to the time office, which based on the same, prepares the workers' payment rools etc. The writing work in case of each checker does not exceed more than 10-15 minutes every day. The employees are neither required to possess statutory qualification nor they possess such qualification. The Central Government has also categorised ore checkers as semi-skilled workmen. They work under the control of the Mine mates who are in possession of the statutory certificate and mine mates are the skilled workmen. The place of the ore checkers, is in the mine and not in the office. Therefore how they can be required to do so much clerical work as they have alleged. There is no place in the mine where they could sit and do the clerical work. Actually all the records are prepared by the clerical staff of the management and that is the authentic record. If the workmen are maintaining some record for their own use that is not the requirement of the company. If anytime the local mines manager has taken any clerical work from any of the checkers that will entitle them only to the difference of wages and the management will have no objection to pay the difference if any. This, however, does not entitle the checkers for any promotion.

4. On the above pleadings of the parties, the first question which arise for determination is whether the concerned workmen are doing the clerical job along with their job as ore checkers?

5. The witness of the management Shri Bhamore, Time Keeper (M. W. 3) states that the ore checkers maintain the attendance registers and record the work of each of the workmen in the work registers. Registers are signed by the Mate Foreman and officer incharge. From the registers maintained by the ore checkers payments are made to the workmen and the payment is based on the Form 3 registers which are prepared on the basis of the registers maintained by the ore checkers. Even Form 3 is written by the ore checkers. Then the ore checkers write names and attendance from their own work registers in Form 4 registers. The work registers maintained by the ore checkers are returned to the ore checkers after the work. The payment is made when the registers maintained by the ore checkers are signed by the Mate Foreman and officer incharge. This witness further states that if the registers maintained by the ore checkers are not sent to us at the end of the month, we cannot prepare the payment vouchers in Form 3. Another witness of the management Shri Lawrence (M. W. 4) also does not deny that registers are maintained by the ore checkers. He, however, states that the registers are maintained for the record of the

ore checkers themselves. He admits that the Foreman signs the attendance registers maintained by the ore checkers. Shri Pathak, Asstt. Manager also signs the attendance registers prepared by the ore checkers. Mr. Pathak has signed the registers on different dates. Seeing registers produced by the management in the Court this witness states that on different dates Shri Pathak has signed these registers also. Shri Pathak (M. W. 2) who is the Assistant Manager also admits that the attendance registers are maintained by the ore checkers. After seeing the registers in the Court Shri Pathak states that the ore checkers are not required to maintain registers, except in Form 4. Actually these registers are maintained by the ore checkers themselves.

6. From the aforesaid evidence of the management itself it is apparent that the ore checker are doing a substantial amount of clerical work. They are maintaining the attendance registers which are signed by the other responsible officers of the company upon which payments are made to the labourers. They also maintain the work register which shows the work done by each of the workmen. The management says that it is not the job of the ore checkers and they are maintaining the registers only for themselves. Such a plea of the management cannot be believed because the registers have been produced from the custody of the management and the responsible officers of the management have signed those registers. It has been admitted by Shri Bhamore that the payments are made on the basis of the registers. Therefore I hold that although the concerned workmen are doing the clerical work in addition to their duties as ore checkers.

7. The next question which arises for determination is whether ore checkers can be regularised as clerks.

It is a settled principle that promotion is a managerial function and promotion depends upon the availability of a vacancy, the suitability of the candidate, seniority and other factors. Promotion is not automatic. Therefore only because ore checkers have done the clerical work in addition to their duties as ore checkers they cannot be categorised as clerks. However, for the clerical work which they have performed they are entitled to difference in wages between the semi-skilled category and the category of the clerk for the period for which they have performed clerical jobs in addition to the work of ore checkers.

8. In the result, it is held that the concerned workmen are not entitled to be categorised as skilled workmen. However, they are entitled to difference in wages between the grade of semi-skilled and clerical for the clerical work which they have performed.

From the record it has not been established as to for what period the clerical work has been performed by each of the workmen. Therefore the management is directed to, objectively, verify from the record, the clerical work done by the ore checkers and to make them payment for the period during which they have done the clerical job. Union shall get a costs of Rs. 200/- from the management

Dt. 29-5-1981

A. G. QURESHI, Presiding Officer.
[No. L-27011/2/79-D. III (RP)]

S.O. 1883.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in the industrial dispute between the employers in relation to the management of Manganese Ore India Limited, Nagpur, and their workmen, which was received by the Central Government on 11-6-81.

BEFORE SHRI A. G. QURESHI, M.A., LL.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LR(R)(17)/1980

PARTIES :

Employers in relation to the management of M/s. Manganese Ore India Limited, Nagpur and their workmen represented by the Santyukta Khadan Mazdoor Sangh (AITUC), Parwana Bhavan, 44-Kingsway, Nagpur-440001.

APPEARANCES :

For Union—Shri P. K. Thakur, Advocate.
For Management—Shrimati Indira Sadasivan Nair, Advocate

INDUSTRY : Manganese

DISTRICT : Nagpur (M.P.)

AWARD

By Notification No. L-27011/7/79-D.II.B Dated 4th March, 1980 the Government of India in the Ministry of Labour, in exercise of the powers conferred on it by Clause 10(1)(d) has referred the following dispute to this Tribunal or adjudication:—

"Whether the management of M/s. Manganese Ore India Ltd., Nagpur is justified in notifying "Loss of Lien" in their letters No. 16/Notice/9/3604, dated 21-11-78 and No. 9/PT/G/5532 dated 31-3-79 in respect of S/Shri Kamraj Rama and Dhanu Meshram respectively ? If not, what relief are they entitled to?"

2. The case of the Union in short is that Shri Kamraj and Shri Dhanuji Meshram were in the employment of M/s. Manganese Ore India Limited working as Black Smiths in the Chikhla Mines in the State of Maharashtra upto 21-11-1978 and 31-3-79 respectively. Shri Kamraj was an active trade union worker. Therefore with a view to victimise the workman for his trade union activities he was transferred to a distant place, ignoring his difficulties by the management. On 23-7-1979 Shri Kamraj Rama was ordered to be transferred to Chikhla to Gungaon Mines against which the workman protested immediately alleging harassment, victimisation and unfair labour practice. The transfer order itself was unlawful because under the Certified Standing Orders there is no provision for transfer of a workman from one mine to another. The transfer order is also bad in law as it was not signed by the Agent or the Personnel Manager. The Administrative Officer who had signed the order has not signed it for the Company. The order is at best a notice to the Mine Managers of Chikhla and Gungaon mines under endorsement to Shri Kamraj Rama. Therefore the order being unlawful and inoperative he was not obliged to obey.

3. It has further been averred that the workman did go to the place of work, but the Mines Manager on 8-11-1978 told him that his entering the premises of the mines at Chikhla was misconduct and if he persist that he would be liable to disciplinary action. By letter dated 17-11-1978 the management informed the workman that no change is possible in his transfer order. The letter was received by the workman on 20-11-1978. On 21-11-1978 the Mines Manager Gungaon Mines issued a notice to Shri Kamraj that according to Company's Standing Order he had lost his lien on his employment with immediate effect. This letter actually terminated the services of Shri Kamraj. However, this order is illegal because it is not according to the provisions contained in Sub-clause (X) of Clause 15 of the Certified Standing Order. The order is also in violation of Sub-Clause (XV) of Clause 29(B) and Clause 25(A) of the C.S.O. Sub-clause (II) (c) of Clause 31 of the C.S.O. has also been ignored. Therefore the order informing of the loss of lien of the workman to his job is illegal.

4. Similarly the other workman Shri Dhanuji Meshram who was the Secretary of the S.K.M.S. Branch Chikhla Mine was transferred to Gungaon under the order of the Administrative Officer dated 17-2-1979. This order is also invalid according to the C.S.O. and inoperative for the same reasons which have been stated above in respect of the transfer order issued against Shri Kamraj. There was a definite change in the service conditions of Shri Dhanuji and a notice under Section 9A of the Act was necessary. But that provision has also not been violated. This workman also attended the Chikhla Mines but he was not allowed to resume his duties. The action of the management in transferring Shri Dhanuji is also one of victimisation and unfair labour practice due to his trade union activities. The workman on 2-3-1979 wrote to the Administrative Officer protesting against his transfer and a reply was sent to the workman dated 10-3-1979. The allegations made by Shri Meshram were denied. On 31-3-1979 Shri Meshram was informed that he had lost his lien over his employment. This order is also illegal for the same reasons which have been stated in the case of Shri Kamraj Rama.

5. Management's case is that at Chikhla Mine there were four posts of Black Smiths at the relevant time. However there are six Black Smiths in other mines. In August 1978 a post of Black Smith was sanctioned for Gungaon Mine in Nagpur district. Shri Kamraj Rama who was junior in Chikhla was transferred as Black Smith to Gungaon Mine. Shri Kamraj was given sufficient time for reporting. He however failed to report for duty. As Shri Kamraj absented himself without any justification from duty the management was left with no choice but to treat him as having lost his lien. Since Shri Kamraj

did not join the duty the management naturally wanted to send the other Black Smith to Gungaon Mine. Therefore the next junior employee Shri Dhanuji Meshram was transferred to Chikhla Mine. He accepted the transfer order and agreed to proceed on transfer. Necessary advances of T.A.D.A. and other allowances were paid to him. He, however, returned the money within 2-3 days and expressed his unwillingness to go on transfer. He did not report on duty and remained absent without leave. Consequently his name was also removed from service roll.

6. It has further been averred that in the appointment letters issued to the concerned workmen it was clearly stated that their services were liable to be transferred from one mine to another. Powers of transfer was exercised in a bonafide manner in the interest of administration. The loss of lien is an automatic process in accordance with the Certified Standing Orders. If the above submission is not accepted and the action amounts to misconduct the management shall prove the misconduct before this authority.

6. In the rejoinders filed by the union and the management both the parties denied the allegations made against each other. In view of the aforesaid pleadings the first point which arises for determination is whether the management had a right to transfer the concerned workman from Chikhla Mine to Gungaon Mine ?

7. Shri Thakur learned Counsel for the Union submits that there is no provision for transferring a workman from one mine to another, in the Certified Standing Orders which govern the service conditions of the workmen. Therefore the management had no right to transfer the workmen from Chikhla Mine to Gungaon Mine. According to him even if in the appointment letter the management reserved a right to transfer a workman such a clause will be infructuous in view of the absence of a clause authorising transfer under the Standing Orders. In support of his arguments Shri P. K. Thakur has cited a Full Bench Authority of the Allahabad High Court—S. P. Srivastava Vs. Banaras Electric Light & Power Company Ltd. (FLR (16) 1968 p. 386) wherein it has been held that in case of a conflict between the contract of service entered into between the employee and the management and Standing Orders of the Company, the Standing Order would prevail over the terms of contract.

8. On the other hand, learned Counsel for the management Smt. Indira Nair argues that the right to transfer is inherent with the management. There is no conflict between the Standing Order and the order of appointment. Therefore the authority cited by the learned Counsel is not applicable to the facts of the present case. In support of her arguments she has cited Syndicate Bank Ltd., Vs. Workmen (AIR 1966 SC 1283); Hindustan Lever Ltd. Vs. Workmen (AIR 1974) SC p. 17.

9. In my opinion the power to transfer an employee is the inherent power of the management and it is in the discretion of the management to transfer an employee from one place to another of the same management, provided such a condition is incorporated in the contract of employment. It is true that the Standing Orders (Certified) govern the service condition of the Workmen but absence of a provision regarding transfer in Certified Standing Order would not mean that the management has no right to transfer a workman even though it is a part of the contract of service. In case of a conflict between the Standing Orders and the contract of appointment, definitely the Standing Orders shall prevail over the terms of contract as has been held in S. P. Srivastava Vs. B.E.L. & P Company Ltd., but in the instant case there is no conflict between the Standing Orders and the terms of contract. Certified Standing Orders do not prohibit a transfer, whereas the contract of employment speaks of the right of the management to transfer a workman from one mine to other. Therefore the conflict does not arise. What has been held in the Full Bench decision of the Allahabad High Court is that Standing Orders are meant to constitute as a set of basic general rules which could not be ignored or abandoned, departed from, modified or varied by special agreements with regard to any matter specifically contained in the Standing Orders. Therefore to show that the contract of employment containing the condition of transfer is in conflict with the Certified Standing Orders, it should be demonstrated that the incorporation of the said condition in the agreement of employment is in contravention of any of the provisions specifically contained in the Standing Orders.

As stated above, in the instant case, although there is no provision of transfer in the Standing Orders, the Standing Orders do not prohibit the incorporation of the terms re-

garding transfer in the employment agreement. Therefore the authority cited by the learned Counsel for the workmen does not help the case of the Union. Consequently it is held that according to the terms of the contract of employment the management had a power to transfer the workmen from one mine to another. As such the management was not legally debarred from passing transfer orders against the two concerned workmen.

10. The next question which arises for determination is whether the order of transfer was malafide and was a colourable exercise of the power of transfer to victimise the concerned workman for their trade union activities.

The Union although has pleaded that both the concerned workmen were the active workers of the union and because of their trade union activities they were ordered to be transferred to other mines, but no evidence has been led by the Union to support the allegations. On the other hand, the management has pleaded that because a post of Black Smith was created at Gungaon Mine, Shri Kamraj being the junior most Black Smith at Chikhla Mine was transferred to Gungaon Mine and when he did not join his post the next person junior at the Chikhla Mine in the category of Black Smith i.e. Shri Dhanuji Meshram, was transferred to Gungaon. Therefore in the absence of any evidence of victimisation or unfair labour practice, I hold that the management had passed the transfers orders of the concerned workmen without any malice.

11. The next point which has now to be decided is, whether the transfer orders were passed by an unauthorised person and are therefore invalid?

Ex. W/13 and Ex. W/6 the office orders signed by the Administrative Officer reveal that the workmen were transferred by a competent authority and the order was communicated by the Administrative Officer. Actually the Administrative Officer has not himself passed the transfer orders. The management has filed a photostatic copy of time proceedings which shows that in case of both the transfer of Shri Kamraj Rama and Shri Dhanuji Meshram, the transfers were approved by the C.M.D. Therefore it cannot be said that the transfer orders were passed by an incompetent person.

12. Now the crucial point which arises for determination is whether the management was justified in holding that the concerned workmen have lost their lien on their service because of their absence from duty.

Ex. M-5 dated 26-9-1978 is the letter of request given to the management by the concerned workman Shri Kamraj immediately after receiving the transfer order wherein he had expressed his difficulties in going to the place of transfer and had requested for the cancellation of the transfer order. But it seems that the management took no action on the representation and Shri Kamraj Rama was relieved vide Ex. M/6 dated 30-9-1978 by the Manager of the Chikhla Mine. Thereafter on 7-11-1978 Shri Kamraj again gave an application making a request for the cancellation of his transfer, copies of which were sent to all the higher officers of the management. Thereafter vide Ex. M/8 the Manager of the Chikhla Mine asked Shri Kamraj not to enter the premises of Chikhla Mine and was specifically informed that if he still entered the premises of Chikhla Mine, it will be treated as an act of criminal trespass. Thereafter on 12-3-1978 Shri Kamraj Rama was informed that it is not possible to cancel his transfer and he should join his duty immediately at Gungaon Mine. The order was received by Shri Kamraj Rama on 15-11-78. Letter Ex. M/8 dated 28-11-1978 issued by the Mines Manager Chikhla Mine shows that Shri Kamraj Rama was attending the Chikhla Mine Workshop till that date and a notice was given to him asking him to refrain from attending the workshop. Ex. W/9, a notice dated 22-11-78 shows that as Shri Kamraj Rama remained absent from duty at Gungaon Mine without prior permission from 7th November till 21st November 1978 so he lost his lien on his employment with immediate effect.

13. The aforesaid documents which are undisputed, disclose that the workman Shri Kamraj Rama did not join his duties at Gungaon Mine at all, and continued to attend the Workshop at Chikhla Mine till 28-11-1978 and was making representations for cancellation of his transfer on the grounds of personal difficulties. Therefore a question of remaining absent from duty at Gungaon mine does not arise, because the workman actually did not comply with the transfer order. When a workman does not comply with the order and remains at a place from where he has been transferred, he cannot be treated to have joined the new assignment and marked absent without

his joining the new place of posting. Therefore the provisions of Sub-clause (X) of Clause 15 are not applicable to the facts of the present case and the management has wrongly held that the workman has lost his lien on his appointment.

14. Similarly vide order dated 17th February 1979, Shri Dhanuji was ordered to report for duty at Gungaon mine on or before the 26th February. This workman also made representation against his transfer. But he was informed by the Manager of the Chikhla Mine that he has been relieved from the mine from 4-3-1979 and he should not enter the mine premises otherwise the disciplinary action shall be taken against him. This workman also remained present at Chikhla Mine and did not go and join his duties at Gungaon Mine. Therefore the management treated him absent and applying the provisions of Sub-clause (X) of Clause 15 of the Certified Standing Order held that he has lost his lien on his appointment.

As held above in the case of Shri Kamraj, the management has wrongly applied the provisions of Sub-clause (X) of Clause 15 of the Certified Standing Order, because the workman had not at all joined the Gungaon Mine and was all through at the Chikhla Mine trying to remain present on duty and protesting against his transfer.

15. It therefore follows that the action of the aforesaid two workmen cannot attract the provisions of sub-clause (X) of Clause 15 of the Certified Standing Orders. It can, proof after enquiry, be held as an act of insubordination because the workman defied the orders of transfer passed by the management. The management should have initiated disciplinary action against the concerned workmen and if it would have been found that the action of the workman amounts to misconduct a punishment could have been awarded after following the principles of natural justice and the procedure prescribed under the Standing Orders. But the management has not done so. Now the management wants this Tribunal to give them an opportunity to prove the misconduct against the concerned workmen before the Court. Such a permission cannot be given for the simple reason that it is not a case of dismissal based on the alleged misconduct. Even a charge-sheet has not been issued and there was no allegations of misconduct while terminating the workmen's services.

16. In view of the aforesaid, it is held that the action of the management of M/s. Manganese Ore India Limited in notifying loss of lien in their letters dated 2-11-1978 and 31-3-1978 in respect of Shri Kamraj Rama and Shri Dhanuji Meshram respectively was not justified. The workmen are therefore entitled to join the duties at the place of their transfer i.e. Gungaon Mine. In case the workmen do not join their duties at the place where they were transferred within a fortnight of the publication of this award, the management shall be free to take disciplinary action against the concerned workmen. As the workmen throughout the period were not willing to join their duties at the place where they were transferred and have defied the legal and valid order passed by the management they are not entitled to any wages from the date of their transfer from Chikhla Mine till they resume their duties at Gungaon Mine. It may further be observed that as only one person was to be transferred from Chikhla Mine to Gungaon and both the workmen were transferred one after the other, the management may consider the cancellation of a transfer order of one of the concerned workmen from Chikhla Mine to Gungaon Mine. The management shall pay a costs of Rs. 200 to the Union. An award is given accordingly.

Dated : 30-5-1981

A. G. QURESHI, Presiding Officer.

[No. L-27011/7/79.D.III(B)]

New Delhi, the 27th June, 1981

S.O. 1884.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following ward of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in the Industrial disputes between the employers in relation to the management of M/s. Chemicals & Ferro Alloys Pvt. Ltd. Tumsar in relation to their Padri Khapa Dolomite Mine and their workmen, which was received by the Central Government on 11-6-1981.

BEFORE SHRI A. G. QURESHI, M.A., L.B., PRESID-
ING OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL-CUM-LABOUR COURT, JABALPUR (M.P.).

Case No. CGIT/LC(R), (13)/1980

PARTIES :

Employer in relation to the management of Padri
Khapa Dolomite Mine of M/s. Chemicals & Ferro
Alloys Private Ltd. and their workmen represent-
ed by the Union Samyukta Khadan Mazdoor Sangh
(AITUC), P.O. Thodi, Dist. Balaghat (MP).

APPEARANCES :

For Union ... Shri P. K. Thakur, Advocate.
For Management ... Shri H. D. Patel, Advocate.
INDUSTRY : Dolomite DISTRICT : Balaghat (M.P.).

AWARD

This is a reference made by the Government of India
in the Ministry of Labour under Sec. 10(1)(d) of the
Industrial Disputes Act vide Notification Order No.
L-29012/16/79-D. III(B) dated 23rd February, 1980, for
adjudication of the following dispute :—

"Whether the demand of the Samyukta Khadan Maz-
door Sangh (AITUC), Balaghat for re-employ-
ment of Shri N. B. Gajbhiye, Clerk of Padri
Khapa Dolomite Mine M/s. Chemicals and
Ferro Alloys Pvt. Ltd. is justified? If so, to
what relief the workman is entitled?"

2. The case of the Union in short is that Shri N. B.
Gajbhiye, the concerned workman was appointed as Mining
Clerk in Padri Khapa Mine P.O. Kelod, district Nagpur
on 4th April, 1974. He was confirmed on his post on
14th November 1974. The Mining operation of the mine
was discontinued for the time being Shri Gajbhiye was
retrenched by the management on November, 1977. When
the mine so discontinued was reopened, Shri Gajbhiye
wrote to the Agent of the management that he should be
re-employed under Sec. 25H of the Industrial Disputes Act.
Letter was received by the management on 20-2-1979 but
the management did not care to reply to that letter, and
he was not given job. Therefore he raised an industrial
dispute. As there had been no conciliation before the Asstt.
Labour Commissioner, the case has been referred to this
Tribunal for adjudication. The Union has therefore prayed
that Shri Gajbhiye be reappointed with effect from the
date the mine has been reopened, with all the benefits
attendant thereto.

3. The claim of the Union has been resisted by the
management on the ground that in the Khapa Padri Mine
one Shri R. N. Sikka was designated as a Colliery Manager
but in the year 1976 the management was asked by the
Department of Mines, (Safety) to appoint a qualified
Manager to look after the quarry work of the Khapa Padri
Mine. Accordingly, Shri N. S. Arora was appointed as
Mine Manager on 15th October, 1976 who continued till
9th September, 1977. Khapa Padri Mine remains closed
from June to October every year as the road leading to
the mine becomes slushy and is not negotiable. In the
year 1977 as usual the mining operation was stopped in
the month of June. However, the staff was retained since
the accumulated stock at the pit head and the siding was
to be despatched against pending orders. Shri Arora
resigned from the service on 9-9-1977 and since the manage-
ment could not arrange for a qualified mine engineer, the
mining operation could not be started from October, 1977.
In view of the non-opening of the quarry and the accumu-
lated stock having been despatched, there was no mining
activity. Therefore the services of Shri Gajbhiye were
brought to an end vide notice of the management dated
9-11-1977. Statutory payment stipulated under Sec.
25FFF was made by the management. As such it is appa-
rent that the service of Shri Gajbhiye had come to an
end as a result of the closure of the mine. He was, how-
ever, given the benefit of retrenchment compensation as if
he was retrenched from service.

4. The management has further averred that since the
services of the employee were brought to an end due to the

closure of the mine the provisions of Sec. 25H of the
Industrial Disputes Act were not attracted. The said provi-
sions apply only in case where the workman is retrenched
in a continuous industry. The employee, Shri Gajbhiye
has therefore no locus standi to move in the matter and
this Court has no jurisdiction to entertain the dispute.

5. It has further been pleaded, in the alternative, that
the right of the workman under Sec. 25H would arise only
if the employer proposes to take into the employment any
person in the clerical cadre. Although the quarry has been
reopened on 15th December 1978 still the management has
not recruited any clerk, nor there is any work for a clerk
because the Mines Manager does all the work which
formerly Shri Gajbhiye was doing. The mine being a small
mine the Manager can perform the job which was being
done by Shri Gajbhiye.

6. The management did not file any rejoinder. The work-
man has, however, filed rejoinder and has denied the aver-
ment of the management that the mine was closed. Accord-
ing to the Union, the permission sought by the management
was for discontinuance of the mine and not for the closure.
Neither the permission for closure was sought nor it was
given by the competent authorities. The management has
wrongly pleaded that the mine was actually closed.

7. In view of the aforesaid pleadings of the parties first
question which arise for determination is whether the mine
was closed and whether therefore this Court has no jurisdic-
tion to decide the claim of the workman under Sec. 25H.

Learned Counsel for the management Shri Patel has stren-
uously argued that the mine was actually closed because a
qualified Mines Manager was not available. The circum-
stance was beyond the control of the management and it had
no option but to close the mine. Therefore it was a case
of closure of mine and not of discontinuance. In support
of his arguments Shri Patel has cited many authorities.

I need not refer to the authorities cited by Shri Patel
because the position is practically well settled that the bene-
fit under Sec. 25H of the I.D. Act is available to a work-
man only if he has been retrenched in a continuing indus-
try. Retrenchment is always in an industry which is run-
ning. The Allahabad High Court in *Dau Dayal Bhatnagar &
others Vs. M/s. Raza Textiles Ltd. and others* (1979 LIC
(NOC) p. 36(All) following the authority of Supreme
Court in AIR 1963 SC, 1489 has held that Sec. 25H does
not apply to closure of industry.

8. Therefore, now it has to be seen whether in the instant
case retrenchment of Shri Gajbhiye was affected due to the
closure of the mine.

Documents of the management reveal that the mine was
not closed down irrevocably but there was a temporary dis-
continuance of the mine for the non-availability of a quali-
fied mines manager. Ex. M/4 is the notice sent to the Director
General of Mines (Safety) Dhanbad from the management
in which the particulars required under the law have been
furnished by the management in respect of discontinuance
of the mine. Ex. M/4 is dated February 1977. Ex. M/5
is the notice of discontinuance of mine sent to Regional
Labour Commissioner (Central) and other labour autho-
rities. Even the notice terminating the service of Shri
Gajbhiye (Ex. M/6) speaks of discontinuance of the mines
for the present. It does not speak of the closure of the
mine at all. Shri Gajbhiye in that notice was treated as
surplus and hence retrenched and he has been given retrench-
ment compensation according to sec 25F of the I.D. Act.
The plea of the management therefore has no merit in view
of its own documents specially the notice of termination of
service of Shri Gajbhiye that the services of Shri Gajbhiye
were brought to an end because of the closure of the mine.
The evidence of the management itself reveals that it was
a temporary discontinuance of the mine because of the non-
availability of a qualified Manager and the mining operation
was restarted after a qualified manager was appointed.
Therefore I hold that the mine of the management was not
closed but the mining operation was temporarily discon-
tinued initially because of the bad road condition and then
for sometime, because of the non-availability of the qualified
manager. Hence the provisions of Sec. 25H are attracted
and this Tribunal has jurisdiction to adjudicate upon the
dispute.

9. The next question which arises for determination is whether the workman is entitled for reappointment on the restarting of the mining operation.

Learned Counsel for the workman union has strenuously argued that if the management employs any staff for the clerical work or any other work akin to the work which was being performed by Shri Gajbhiye is entitled to be re-appointed. In support of his contention he has placed reliance on Muller and Phillip (P) Ltd. and its workmen 1966-I-LJ p. 254; Canpora Tannery Works Ltd. Vs. Guha and others (1961-II-LJ p. 110 SC) and Indian Hume Pipe Co. Ltd. Vs. Bhim Rao Gajbhiye (1965-II-LJ 402). In all these authorities the principles enunciated are that if a person was doing a particular type of work his designation is immaterial. When a workman has been retrenched, on the re-opening of the undertaking he has to be given an opportunity of reappointment and to be preferred over the junior and new hands in case of re-employment. The Court has to see that the workman employed after reopening of the mine, over whom a preference has to be given to a retrenched employee have been appointed for the same or similar job as was done by the retrenched workman. In the instant case, however, these authorities do not help the workman at all because according to the management no clerk for any sort of work has been recruited by the management as is apparent from the pleadings and the evidence of Shri Tripathi (M.W.I.). Shri Gajbhiye has not stated that some other person has been employed ignoring the claim of the workman for employment. Therefore till the management employs some other person for clerical job ignoring the claim of the concerned workman Shri Gajbhiye, the management cannot be directed to re-employ Shri Gajbhiye. Right under Sec. 25H accrues only when the employer proposes to employ any person other than the retrenchment employee for the job which was being done by the retrenched workman.

10. In the result, it is held that Shri Gajbhiye is entitled to get a preference over the new hands or junior persons if the management chooses to employ such persons for the job similar to what was performed by Shri Gajbhiye. As in the instant case the management has not chosen to employ any other persons in place of Shri Gajbhiye after the reopening of the mine, Shri Gajbhiye is not entitled for re-employment in the present circumstances. Award is made accordingly.

A. G. QURESHI, Presiding Officer,

[No. L-29011/6/81-D. III (B)]

R. P. NARULA, Under Secy.

Dt. 29-5-1981.

MINISTRY OF LABOUR

New Delhi, the 19th June, 1981

S.O. 1885.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust, Calcutta and their workmen, which was received by the Central Government on the 12th June, 1981.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

Reference No. 31 of 1980

PARTIES :

Employers in relation to the management of Calcutta Port Trust, Calcutta

AND

Their Workmen.

APPEARANCES :

On behalf of Employers.—Mr. D. K. Mukherjee, Labour Officer.

On behalf of Workmen.—Mr. A. B. Pain, a member of the Executive Committee of the Union.

STAFF : West Bengal

INDUSTRY : Port

AWARD

This reference under Section 10 of the Industrial Disputes Act, 1947 has been sent to this Tribunal by the Central Government by an Order No. I-32012/2/80-D.IV(A) dated 16th May, 1980. The dispute is between the employers in relation to the management of Calcutta Port Trust, hereinafter described as the "Port Trust" and their workman represented by the General Secretary, National Union of Water-front Workers (INTUC), hereinafter referred to as the "Union". The dispute has been mentioned in the schedule to the reference in the following terms :—

"Whether the management in relation to the Calcutta Port Trust, Calcutta are justified in imposing the penalty of recorded warning on Shri Abid Hossain, Motor Driver attached to Central Transport Section of CME's Department. If not, to what relief is the concerned workman entitled?"

2. Both the parties appeared and filed their respective written statements. The case of the Union is that the concerned workman Abid Hossain, Motor Driver of the Port Trust was asked to submit a written explanation for an alleged refusal of duty by a letter dated 14th December, 1974. The allegation was that on 11-12-74 he was to attend to his duties as a spare driver to perform ambulance duty from 22.00 hours to 6.00 hours of the following morning but he refused to perform the said duty as a result of which ambulance service was suspended for a period. The concerned workman denied the allegation and submitted explanation stating that he was not informed to attend to the ambulance duty as alleged and the question of refusal to perform duty was not correct. Thereafter he was informed by a letter dated 1st/5th May, 1975 that he was warned for his refusal of duty on 11-12-74 and that the warning would be recorded in his service record. In reply to this letter the concerned workman wrote to the Port authority that without hearing him or holding an enquiry he was warned and he requested for holding an enquiry for ends of justice. In reply thereto, a letter was written by the Port Trust to the workman informing that there was no justification to review the order already passed. In reply to this letter also Abid Hossain stated that an enquiry should be held where the facts might be considered but ultimately no enquiry was held and the order remained. Thereafter the Union took up the cause of the workman and the matter has been referred to this Tribunal for adjudication.

3. The case of the Port Trust, to be brief, is that Abid Hossain did not do his duty and on account of his refusal ambulance service had to be kept suspended for the entire shift. It is however stated that one ambulance car driver, Kailash Choudhary, was asked to be taken to his residence and the concerned workman during night shift left him at his residence but did not do the duty of an ambulance car driver during the said shift. It has been further stated by the Port Trust that the order of warning was not a punishment but it was given only to caution him against future behaviour. It has been stated that even if it was taken as a censure a minor penalty, in that case also there was no necessity for holding separate enquiry, but natural justice was done by allowing the concerned workman to make his representation against the allegation. The Port Trust considered the written explanation and ultimately passed the order. According to the Port Trust the order of warning was not illegal and it was justified.

4. When the matter was taken up for hearing, the concerned workman was present but no witness was present on the side of the Port Trust. Mr. A. B. Pain appeared on behalf of the Union whereas Mr. D. K. Mukherjee, Labour Officer represented the Port Trust. Mr. Mukherjee submitted the if the Annexure A to I to the written statement of the Union be admitted as evidence, no oral evidence would be necessary and as agreed to by the parties the said documents were marked exhibits on behalf of the workmen and the parties did not adduce any further oral evidence.

5. The contention of Mr. Pain on behalf of the Union is that in the present case although the workman in question challenged the allegations of the Port Trust about his non-attendance to his duty on 11-12-74 and although he wanted that an enquiry should be held to ascertain the truth, the

Port Trust without hearing the concerned workman personally or holding any enquiry maintained the order of warning which was to be recorded in his service book. This was a penalty inflicted without holding an enquiry and that the order was a mala fide being a case of victimisation without any evidence. The workman was not given any opportunity to defend himself or to be heard. Natural justice has been denied to him. Mr. Mukherjee on the other hand for the Port Trust has contended that the order of warning passed against Abid Hossain was not a penalty according to the Discipline and Appeal Rules of the Port Trust. No enquiry, therefore, was necessary. Even if it is accepted that the order of warning given to the concerned workman was penalty in the form of censure in that case also the penalty being a minor one, there was no necessity for holding enquiry when Abid Hossain was given an opportunity to submit a written explanation in reply to the letter which alleged his non-attendance to duties. That was sufficient opportunity for the workman to explain his stand and natural justice was done. Enquiry according to the Discipline and Appeal Rules was not necessary.

6. The impugned order has been marked Ext. W-3. This will appear from the letter of the Chief Mechanical Engineer addressed to Abid Hossain. It is dated 1st/5th May, 1975. It is stated that cause shown by the workman was considered and found unsatisfactory. The workman was, therefore, warned for his refusal of duty on 11-12-74 and the said warning would be recorded in his service record. The question is whether this warning is a sort of penalty or not. The letter making allegation against the workman has been marked Ext. W-1. It is dated 14-12-74 and it says that on 11-12-74 Abid Hossain was a spare driver in the Transport depot from 12.00 hours to 6.00 hours of the following day and that when he was instructed by the clerk on duty to perform ambulance duty he refused to perform the same and as a result thereof the ambulance service was suspended for the period. By this letter Abid Hossain was instructed to submit his written explanation for his refusal of duty. The written explanation was submitted by Abid Hossain. This has been marked Ext. W-2. This is dated 2-1-75. In this explanation the workman denied the allegations. It has been clearly stated that the duty clerk did not at all inform him to attend ambulance duty on 11-12-74 as alleged. After this explanation the order of warning was passed as mentioned in Ext. W-3. Mr. Mukherjee has submitted that warning is not a penalty and that the employer has a right to warn anybody if he is in fault. In the present case the allegation was that Abid Hossain did not attend to his duty in spite of direction. This is a serious allegation. He was asked to show cause against the allegation and in spite of giving explanation and challenging the truth of the allegation, the order was passed that the concerned workman would be warned and such warning would be recorded in his service record. This recording of warning in the service record is a serious matter which gives black spot in the service career of a workman. It is not a verbal warning or a simple warning for some carelessness or negligence during day to day work not to be seriously taken notice of. The recording of the warning in service record clearly indicates that for future consideration the warning was recorded. Clearly this is a blemish in the career of the workman during service. In this view of the matter there can be no doubt in my mind that this was a penalty meted out to Abid Hossain.

7. Mr. Mukherjee has stated that warning is no penalty for any misconduct and my attention has been drawn to Rule 9 of the Calcutta Port Commissioners' Employees' (Discipline and Appeal) Rules, 1964. There the minor penalties are, (i) censure; (ii) withholding of increments or promotion and (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Commissioners by negligence or breach of orders. Admittedly warning is not a penalty as prescribed by the Rules and Mr. Mukherjee during argument has admitted in reply to my query that penalties are recorded in the service records of the workmen. When warning was not a penalty there was no justification for the Port authorities to record the warning in his service record and if it was not a penalty as Mr. Mukherjee at the outset submitted then there was no valid reason for the Port Trust to record that warning in the service record. In my view of the matter, the order of warning ought not be have recorded in the service record of the workman. That was illegal and unjustified.

8. With regard to the second branch of argument of Mr. Mukherjee that even if it is held that warning recorded in his service record was in fact censure in that case as Mr. Mukher-

jee submitted no enquiry was necessary. In this connection Mr. Mukherjee has drawn my attention to Rule 12 of the Discipline and Appeal Rules. This rule says that no order imposing any penalty as specified in clause (i) to (iii) shall be passed except after the employee is informed in writing of the proposal to take action against him and of the allegation on which it is proposed to be taken and given an opportunity to make any representation he might wish to make. In the present case Ext. W-1 shows that the workman was informed about the allegation of his non-attendance to his duty on 11-12-74 and he was asked to submit written explanation, if any. The explanation was submitted stating that the allegations were not correct. Thereafter, the Port Trust authorities passed the order for recording warning in the service record of the workman. Before passing that order the employee concerned was not informed in writing of any proposal to take action against him. There is no indication that any action would be taken against Abid Hossain after the submission of his written explanation or at any time thereafter. I do not find that Abid Hossain was informed that any action would be taken against him or any punishment would be inflicted on him. Abid Hossain did not get any opportunity to have his say before the Port Trust against any proposed action. Apart from that there is nothing stated here that in case of censure no enquiry was necessary or that workman concerned should not be heard personally or that he should not be given any opportunity to be heard or to place his case and evidence before the authority. Natural justice demands, before any penalty is inflicted against any delinquent, that he should be given fair and reasonable opportunity to be heard personally or to defend himself and to place his case before the authority. In the present case that natural justice was denied to Abid Hossain. Abid Hossain asked twice at least for holding the enquiry so that he could place his case and get an opportunity to prove the allegations made against him as false. In this connection I may refer to Ext. W-4, a letter of Abid Hossain to the Chief Mechanical Engineer requesting him to make an enquiry into his case for ends of justice. Again Ext. W-6, a letter dated 13-9-75 shows that he asked for fixing a date for proper enquiry wherein the real fact would be proved but the Port Trust in spite of the fervent requests of Abid Hossain turned a deaf ear to such requests. In this case, I find, not only did the Port Trust do injustice to the workman but the way in which the matter has been dealt with also shows that there was lack of bonafides on the part of the Port Trust in the matter of dealing with this case.

9. In the present case, although there was no enquiry held before passing the order for warning, the Port Trust did not make any attempt whatsoever to produce before this Tribunal materials and evidence to substantiate the allegations made against the workman. It is admitted by Mr. Mukherjee during argument that one Kailash Choudhury, an ambulance driver who was working in an earlier shift was late in coming to the office and at the request of the duty clerk Abid Hossain left him at his resident at the midnight as no conveyance was available for him to go home. It is a fact which goes to prove that Abid Hossain complied with the request of the duty clerk and at midnight took Kailash Choudhury to his home. He left with Kailash at about 00.35 hours i.e. at midnight on 12-12-74 and Mr. Mukherjee during argument submitted that it might have taken about an hour and a half to come back after reaching Kailash home. When Abid Hossain admittedly took so much pains to take Kailash Choudhury during the night to his house I find no reasonable ground for him to refuse to attend to his duty if called upon to do so for the rest of the night for about four hours. In the fact and circumstances, I have no doubt to hold that the case of Abid Hossain is acceptable and that he was not asked to attend to his duty in that shift. The allegations made against him have not been proved in this case.

10. In view of my finding and discussions above, I must, therefore, hold that the management in relation to the Port Trust, Calcutta were not justified in imposing the penalty of recording warning against Abid Hossain and that the said order of warning was illegal, unreasonable and unjustified. The warning, if recorded in the service records of Abid Hossain shall be deleted.

I pass an award accordingly.

Dated, Calcutta,
The 4th June, 1981.

R. BHATTACHARYA, Presiding Officer
[No. T-32012/2/80-D.IV(A)]
NAND LAL, Desk Officer

केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड

CENTRAL BOARD OF EXCISE AND CUSTOMS

नई दिल्ली, 4 जुलाई, 1981

New Delhi, the 4th July, 1981

का. अ. 1886.—केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड, सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कर्नाटक राज्य में मैसूर जिले के नंजनागढ़ को भण्डारण स्टेशन के रूप में घोषित करता है।

S.O. 1886.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Nanjangud in Mysore District in the State of Karnataka to be a warehousing station.

[सं. 170/81-सीमा शुल्क/का. सं. 473/87/81-सीमा शुल्क-7]

[No. 170/81-Customs/F. No. 473/87/81-Cus. VII]

एन. के. कपूर, अवर सचिव,
केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड

N. K. KAPUR, Under Secy.
Central Board of Excise and Customs

